# A HISTORY OF THE COMMITTEE ON RULES

House of Representatives of the United States

H682-3

**97th Congress**
**2d Session**

**COMMITTEE PRINT**

# A HISTORY OF THE COMMITTEE ON RULES

1st to 97th Congress
1789 - 1981

Printed for the use of the Committee on Rules

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# Committee on Rules
# United States House of Representatives
## Ninety-Seventh Congress

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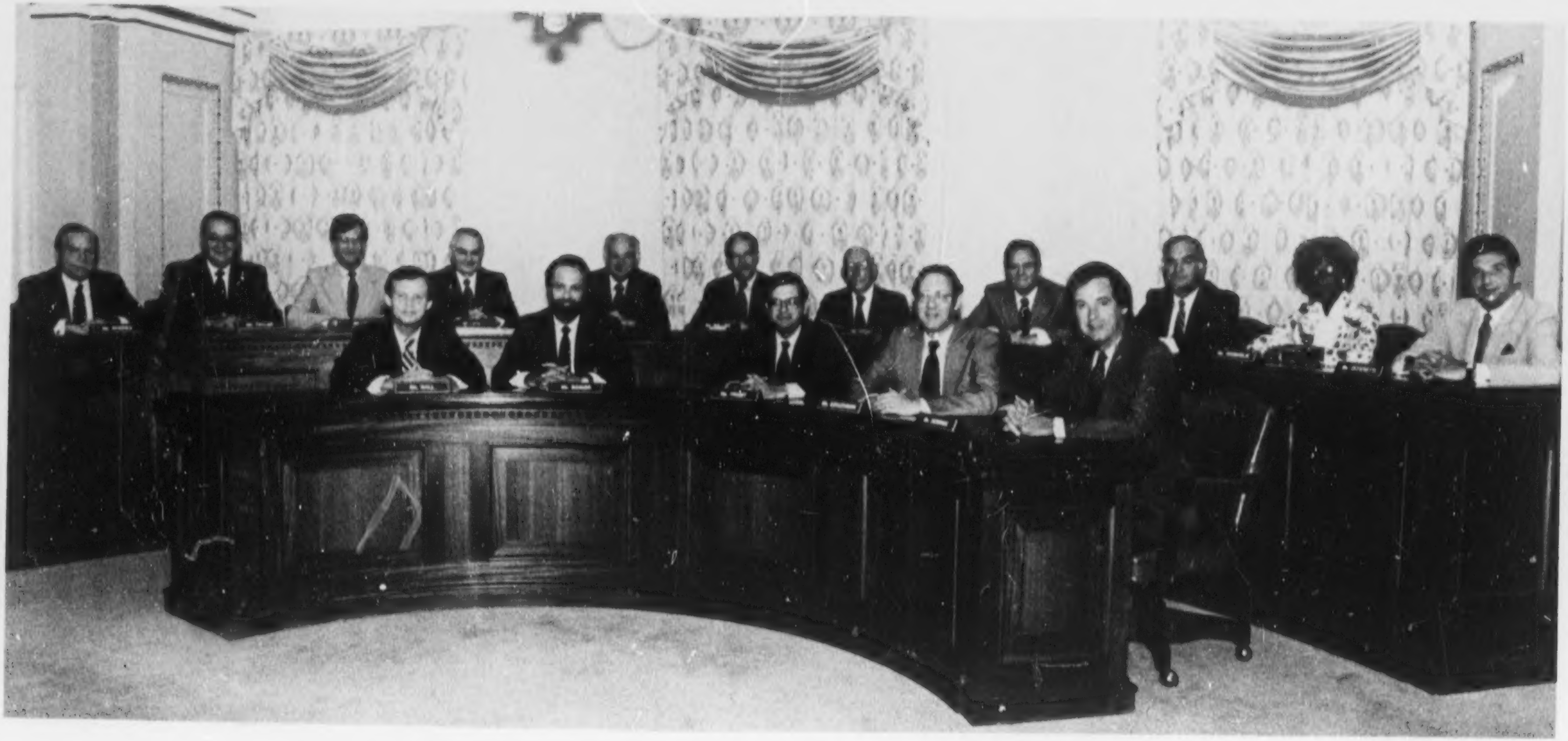
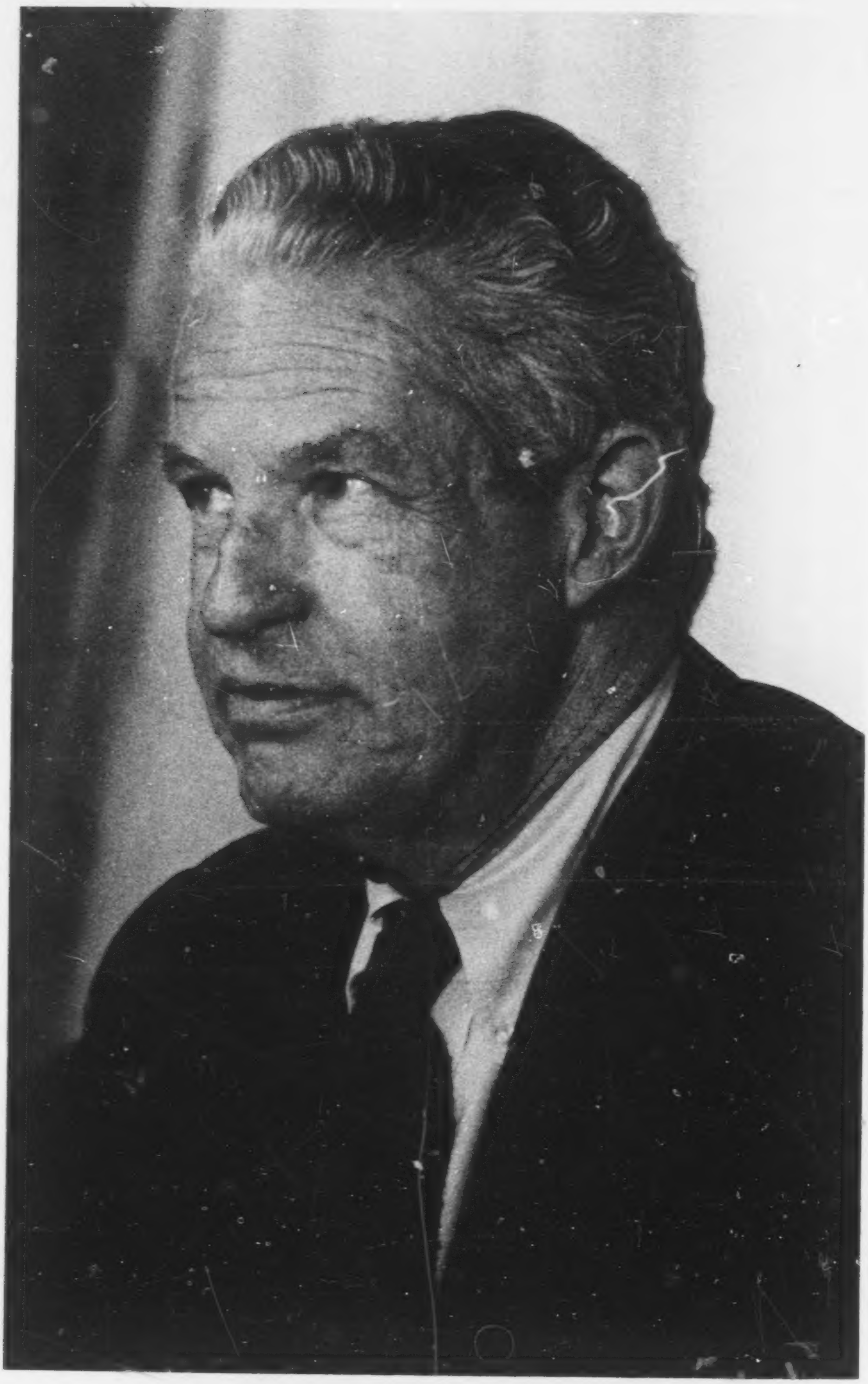


COMMITTEE ON RULES, 97th Congress

TOP LEFT: John Rhodes, Gene Taylor, Trent Lott, Delbert Latta, James Quillen-Ranking Minority Member, Richard Bolling-Chairman, Claude Pepper, Gillis Long, John Joseph Moakley, Shirley Chisholm, Leo Zeferetti; BOTTOM LEFT: Tony Hall, David Bonior, Martin Frost, Anthony Beilenson, and Butler Derrick.



**Richard Bolling**, *Chairman,* Committee on Rules
Chairman of Committee—96th and 97th Congresses
Member of Committee Since the 84th Congress
Member, U.S. House of Representatives Since the 81st Congress

# FOREWORD

"It is much more material that there should be a rule to go by than what that rule is. . . ."

Although the power and prestige of the Committee on Rules has fluctuated since its inception as a standing committee in 1880, the Committee today holds a tactical and strategic position in the legislative process. Early in its history the United States Congress recognized that rulemaking was a crucial prerequisite to the orderly consideration of its business. Some House Members have argued: "If the Committee on Rules didn't exist, you would have to invent it." The Committee has been transformed from a relatively obscure position as a mere architect and overseer of the Rules of the House and has emerged as a more complex entity, a major source of power which has the ability to dominate the legislative agenda of the House.

In recent years the Committee on Rules has become the principal scheduling instrument of the majority party leadership and a vehicle through which the rights of the minority have been protected. However, throughout its history the proper role of the Committee has frequently been a subject of debate. Should the role of the Committee on Rules be that of a legislative traffic cop giving the right-of-way to measures for floor consideration without considering the substance of the legislation; or that of a gatekeeper making independent judgments on the merits of particular bills and controlling the flow of legislation to the House floor, or that of an agent of the majority of the House or the majority party leadership promoting the party's legislative program? The Committee at various times during its century as a standing committee has played all of these roles. The Committee has been called upon to arbitrate differences between legislative committees over procedural and substantive matters, and at times has exerted negative power by acting independently and in opposition to the majority leadership.

Numerous factors have determined the role of the Committee and the outcome of legislation including the power of a particular chairman, the social and political environment of the country, the skill and operation of the House and the Committee leadership and the growth of the legislative and management problems confronting the House. Through the exercise of its original jurisdiction over the Rules of the House and scheduling legislation for the House floor, the Committee has been closely linked to the evolution of the legislative procedures in the House and has been the center of major policy and procedural controversies. This history is intended to give the reader an overview of the development and exercise of the negative and positive powers and responsibilities of the Committee on Rules and the conflicts surrounding them.

A number of scholars made significant contributions to the research, writing and organization of this history. Bruce I. Oppenheimer of the University of Houston critically read and edited the entire manuscript. He is the author of Chapters IV and V and made significant contributions to Chapters II and III and the appendices. In the course of these efforts he had the research assistance of Martha Knutson, the copy editing of Barbara R. de Boinville and the research resources of the Political Science Department and the Center for Public Policy of the University of Houston.

The Congressional Research Service of the Library of Congress played an important role in the early development of the history by preparing the initial draft. Grateful acknowledgement is made to the following CRS staff: Stanley Bach, Richard Beth, Robert Keith, Sula P. Richardson, Susan Schelderup and Richard Sachs. In addition, CRS relied on Professor Bruce Norton of American University and Steven Stathis of the Congressional Research Service for writing Chapter I and Professor Robert L. Peabody of Johns Hopkins University for materials now included in the introduction and for editorial work.

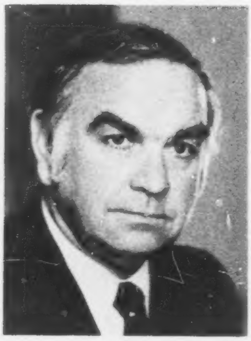
Sincere thanks to Herbert Block for permission to reprint some of his cartoons in this volume, to Keith Jewell for reproducing pictures, and to Elio Gasperetti for research assistance. Very special appreciation is extended to Terry Dean, Cynthia Brock-Smith, Linda Fairchild and Richard Di Salvo of the Rules Committee staff whose various contributions were essential to the timely completion of this document.

## Members
## Committee on Rules
## House of Representatives
## 97th Congress

Richard Bolling (D-Mo.)
Chairman

Claude Pepper (D-Fla.)

Gillis W. Long (D-La.)



John Joseph Moakley
(D-Mass.)

Shirley Chisholm (D-N.Y.)

Leo C. Zeferetti (D-N.Y.)

Butler Derrick (D-S.C.)

Anthony C. Beilenson
(D-Calif.)

Martin Frost (D-Tex.)

David E. Bonior (D-Mich.)

Tony P. Hall (D-Ohio)

JAMES H. QUILLEN (R-Tenn.)
Ranking Minority Member

DELBERT L. LATTA (R-Ohio)

TRENT LOTT (R-Miss.)

GENE TAYLOR (R-Mo.)

JOHN J. RHODES (R-Ariz.)

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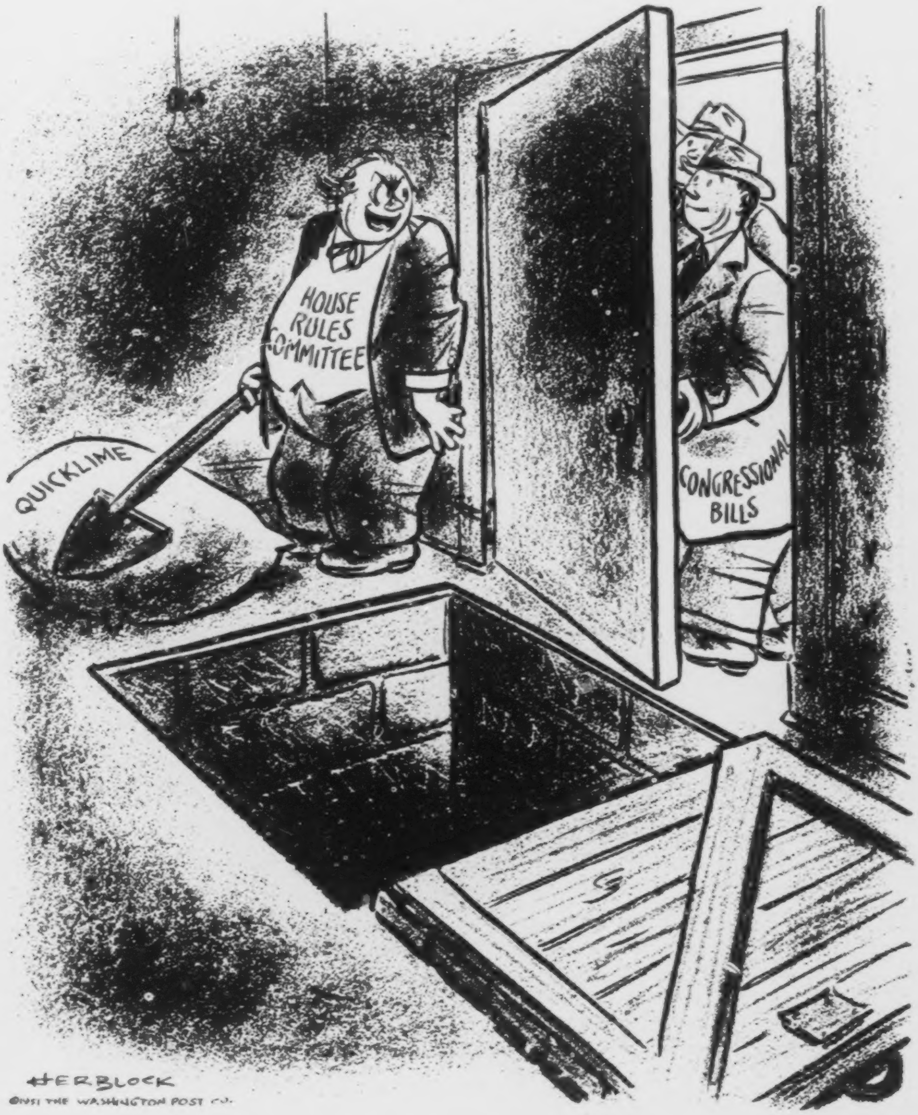
"Come In — Come In"


HOUSE RULES COMMITTEE
QUICKLIME
CONGRESSIONAL BILLS
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# INTRODUCTION

## A Historical Perspective

"Each House may determine the Rules of its Proceedings . . ."

Article 1, Section 5, (2) U.S. Constitution

The great compromise of the 1787 Constitutional Convention in Philadelphia established a bicameral legislative branch for the Government of the United States with equal representation for all states in one House and representation based on population in the other. As this scheme of representation was implemented and as the country grew both in number of states and in population, the membership of the United States House of Representatives quadrupled the membership of the United States Senate. And while other factors such as the length of members' terms, the size and diversity of members' constituencies, and the constitutional responsibilities of the two Houses have influenced their development and operation, the disparity in size may be the key ingredient in the unique workings of each body.

Accordingly, the Senate and the House of Representatives have chosen to meet their constitutional mandate as prescribed in Article I, Section 5, (2) in different ways. From the beginning, both bodies recognized the need for some internal mechanisms to have original jurisdiction over and to formulate their standing rules and subsequent changes in those rules. This was at first the responsibility of select committees in each House and later of standing or permanent committees known respectively as the Senate Committee on Rules and Administration and the House Committee on Rules.

But in the day-to-day exercise of its rules and in particular the scheduling of legislation, the two bodies have chosen to proceed quite differently.[1] The Senate over its nearly two-hundred-year his-

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[1] Obviously, an extended discussion of differences in House-Senate proceedings is beyond the scope of a history of the Committee on Rules. But for a beginning, see various editions of the U.S.

Continued

tory has been able, due to its smaller size, to move gradually to a process of scheduling legislation by unanimous consent, through its majority and minority leadership, and has preserved a system of relatively unrestricted debate.[2] For almost a century, however, the House of Representatives has resorted to scheduling, primarily by its majority leadership, through special orders or resolutions—or rules—devised by its Committee on Rules.[3] And these special orders have placed boundaries of varying degrees on the terms of debate and the process of considering legislation. Thus, through the exercise of these two functions—original jurisdiction over the House rules and the scheduling of legislation—the Committee on Rules has performed a key role in the congressional process and in the history of the House itself. Accordingly, the history of the Committee is inseparable from the development of legislative procedures in the House.

Without rules, even the simplest of legislative bodies would have difficulty operating. For complex legislative institutions such as the U.S. House of Representatives, they are a fundamental necessity. In the broadest context, a set of rules makes it possible, first, for the majority to work its will, and second, for the minority to be ensured of its rights. Both principles, inherently in tension with each other, find eloquent affirmation in *Jefferson's Manual of Parliamentary Practice,* which is based primarily on precedents from the English House of Commons. Thomas Jefferson drafted its fifty-three sections while he was presiding over the Senate as Vice President from 1797 to 1801. The *Manual,* still accepted and published as part of the House Rules, contained the "foundations of some of the most important portions of the House's practice."[4] Commenting on the importance of rules for conducting business, Jefferson observed:

> It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of its members. It is very material that order, decency and regularity be preserved in a dignified public body.[5]

---

Congress, *Senate Manual. and Constitution, Jefferson's Manual* and *Rules of the House of Representatives,* published as Senate and House Documents, respectively, and containing extensive commentary on the development of rules for each chamber. Hereafter cited as *Senate Manual,* and *Rules of the House of Representatives.*

[2] Floyd M. Riddick, *Majority and Minority Leaders of the Senate: History and Development of the Offices of Floor Leaders,* Senate Doc. 92-42, 92nd Congress, 1st Session (Washington, D.C.: U.S. Government Printing Office, 1971), pp. 14-15; George H. Haynes, *The Senate of the United States,* 2 vols. (New York: Russell & Russell, 1960), especially vol. 1, chapters vii and ix.

[3] DeAlva Stanwood Alexander, *History and Procedures of the House of Representatives* (Boston: Houghton Mifflin Co., 1916); George B. Galloway, *History of the House of Representatives* (New York: Thomas Y. Crowell Co., 1962), pp. 49-63; James A. Robinson, *The House Rules Committee* (Indianapolis: Bobbs-Merrill, 1963); and Richard Bolling, *Power in the House: A History of the Leadership of the House of Representatives* (New York: E. P. Dutton & Co., 1968).

[4] *Rules of the House of Representatives of the United States,* 96th Congress, 2nd Session (Washington, D.C.: U.S. Government Printing Office, 1981), pp. 109-287, at p. 109 House Document No. 96-398.

[5] Ibid., p. 111.

But Jefferson goes further. In the opening paragraphs of his *Manual,* he strongly endorses Speaker Onslow's defense of orderly procedure as a means of protecting the rights of the minority:

> [N]othing tended more to throw power into the hands of the administration, and those who acted with a majority of the House of Commons, than a neglect of, or departure from the rules of proceedings: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.[6]

Many instances of this tension between majority will and minority right fill the chronicles of the history of the House of Representatives and, not least, the operations of its principal scheduling instrument, the Committee on Rules. Frequently, contention has developed during modifications of the committee's primary powers: (1) its original jurisdiction over, and thus the right to propose changes in, "the rules and joint rules . . ." of the House of Representatives; and (2) its control over the "order of business of the House" generally, working in close cooperation with the committee chairman and House majority leadership.[7] Hence the development and exercise of the Rules Committee's responsibilities and the conflict surrounding these powers will serve as the major focus of this history.

## Development of the Committee

Following this introduction, the next five chapters will provide an extensive history of the Committee, using both original and secondary resource materials. These chapters have been segmented by significant events in the Committee's history: its select committee antecedents (Chapter I, 1789–1880);[8] its early years as a standing committee leading to the revolt against Speaker Cannon (Chapter II, 1880–1910); the aftermath of the revolt and the operation of the committee without the Speaker as its chair (Chapter III, 1911–1936); its dominance by a conservative coalition (Chapter IV, 1937–1960); and finally, the restoration of the Committee as an agent of the majority leadership (Chapter V, 1961–1980). In the concluding chapter the major themes are summarized and perspectives about the future of the Rules Committee are presented. The following synopsis is intended as an introduction to the in-depth treatment of the Committee's history in the succeeding chapters.

---

[6] Ibid., p. 110. Speaker Onslow, whom Jefferson praised as "the ablest among the Speakers of the House of Commons," presided during the reign of George II.

[7] The modern version of these powers is set forth as Rule X, cl.(Q)(1). Ibid., p. 356.

[8] Chapter I on the 1789–1880 period includes a fairly technical discussion of the development of House rules prior to the establishment of a standing committee on rules. The details included in it may be of primary interest to the scholar reading this history but of passing note to those concerned with the workings of the Committee on Rules over the last 100 years.

The history of the House Committee on Rules began on April 2, 1789, with a terse imperative:

> *Ordered:* That a committee be appointed to prepare and report such standing rules and order of proceeding as may be proper to be observed in this House.[9]

One day earlier, Frederick A. C. Muhlenberg, a former Speaker of the Pennsylvania state legislature, had been nominated and elected the first Speaker of the House of Representatives. Six days later, on April 7, 1789, the Committee proposed four rules pertaining to (1) the duties of the Speaker, (2) decorum and debate, (3) the disposition of bills, and (4) the operations of the Committee of the Whole House. According to noted historian DeAlva Stanwood Alexander, although these rules occupied less than a page of the printed proceedings, [they] included all the principles then used for the government of parliamentary bodies.[10]

For most of the first ninety-one years of its existence, from 1789 to 1880, the Rules Committee remained a select committee.[11] It generally was reconstituted and met at the beginning of most Congresses, reporting back one or more modifications of the rules but seldom having much of an impact on congressional operations after its initial formulation of the House rules in 1789 (Chapter I).

The Rules Committee began to take on greater importance after 1858, when the Speaker became a member. Twenty-two years later, in 1880, the Committee on Rules became a five-member standing committee, chaired by the Speaker. Speaker Samuel J. Randall (D-Pa.), a keen student of parliamentary practices, had become convinced of the need to further enhance the powers of the Committee. As Mary Parker Follett, who in 1896 wrote the seminal book on the Speaker of the House of Representatives, observed: "He first brought about a change in the rules, and then by his administration of those rules greatly increased the authority of the chair."[12] In 1883, the Committee was authorized to report special orders governing the time and manner by which bills reported by other committees would be brought to and considered on the floor. By the late 1880's, the most important functions of the modern-day Committee on Rules had been firmly launched. A series of strong Speakers, especially Thomas B. Reed (R-Me.) and Joseph G. Cannon (R-Ill.), brought the majority leadership and the Committee on Rules to the pinnacle of power in the House (1880–1910).[13]

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[9] *Journal of the U.S. House of Representatives,* April 2, 1789, p. 6.

[10] Alexander, *History and Procedures of the House of Representatives,* p. 180.

[11] For five Congresses—the 6th (1799–1801), the 15th–16th (1817–1821) and the 18th–19th (1823–1827)—no Rules Committee was created; during the 31st and 32nd Congresses (1849–1853), it operated as a standing committee.

[12] Mary Parker Follett, *The Speaker of the House of Representatives* (New York: Longmans, Green & Co., 1896), p. 112.

[13] The literature on Speakers Reed and Cannon is headed by several excellent biographies including Samuel W. McCall, *The Life of Thomas B. Reed* (Boston: Houghton Mifflin Co., 1914); and L. White Busbey, *Uncle Joe Cannon* (New York: Henry Holt & Co., 1927).

The concentration of power in the Speaker and his Committee on Rules led to almost dictatorial rule. By 1906, Cannon's powers were so dominant that newspaper reporter Charles W. Thompson would describe the operations of the Committee as a House machine. "Nowhere in the land is any body of men ruled with so despotic hand by so small a governing body," namely, "the Speaker and the two majority members on the Committee on Rules."[14] In 1910, minority Democrats and insurgent Republicans rose up against Cannon, stripped him of his committee appointment powers, and established an independent ten-member Rules Committee without the Speaker as member or chairman. (Chapter II).[15]

In January 1911, House Democrats in their new role as majority party members elected Champ Clark of Missouri as their nominee for Speaker and Oscar Underwood of Alabama as majority leader. The Speaker had been shorn of most of his powers and reduced mainly to a presiding officer. As chairman of his party's Ways and Means Committee (newly charged with making Democratic committee assignments), Underwood assumed a dominant role. As George Galloway, noted congressional scholar and senior specialist at the Legislative Reference Service of the Library of Congress, observed: "Champ Clark was given the shadow, Underwood the substance of power."[16]

In the 1920's and early 1930's, there was only slight evidence of a swing away from centralized leadership toward an independent Committee on Rules. During Republican control of the House, the Rules Committee primarily functioned as an arm of the majority leadership (Chapter III). Among important rules changes adopted during this period were limitations on bringing a special order to the floor on the same day as reported from the Rules Committee, unless consideration was agreed to by a two-thirds vote, and a series of modifications in the use of the discharge petition, whereby members of the House could force a committee to relinquish a bill in its control.

Under a series of Democratic Speakers—John N. Garner of Texas, Henry T. Rainey of Illinois, Joseph W. Byrns of Tennessee and William B. Bankhead of Alabama—the Committee on Rules for most of the 1930's continued to operate as an instrument of the party leadership (Chapter III). Three of these Speakers were southerners. In their appointments to the Rules Committee and the further institutionalization of the seniority system, lay the seeds for an increasingly independent Committee. But the threat of control by a bipartisan "conservative coalition" was not yet apparent when Franklin D. Roosevelt was inaugurated as President on March 4, 1933.

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[14] Charles W. Thompson, *Party Leaders of the Time* (New York: G. W. Dillingham Co., 1906), pp. 149–150.

[15] The best treatment of the revolt against Cannon remains Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon* (New York: Columbia University Press, 1911). See also Cannon's own version in L. White Busbey, *Uncle Joe Cannon*, pp. 243–269; and Kenneth W. Hechler, *Insurgency, Personalities and Politics of the Taft Era* (New York: Columbia University Press, 1940).

[16] Galloway, *History of the House of Representatives*, p. 108.

During the 75th Congress (1937–1939), however, a conservative coalition comprised mainly of southern Democrats and minority Republicans took control of the Rules Committee.[17] (Initially, the coalition was not led by a Southern Democrat, but rather by a New Yorker, Rules Chairman John O'Connor.) The conservative coalition was at its strongest, both in the Committee and on the floor of the House, in the middle and late 1950's (see Chapter IV) under the skillful leadership of Chairman Howard W. Smith (D-Va.)

The pendulum shifted once again in 1961, following an epic confrontation between two powerful southerners, both in their seventies—Speaker Sam Rayburn of Texas and Chairman Smith. By an historic vote of 217 to 212, Rayburn prevailed and the membership of the Committee was enlarged.[18] As a result, he was able to add two pro-Kennedy administration supporters to the Committee, shifting a 6-to-6 deadlock to a narrow 8-to-7 majority. Through a series of modifications in committee personnel and structure, the Committee on Rules by the early 1970's was once again serving as an agent of the majority leadership (Chapter V).[19]

Sometimes a Speaker has dominated the Committee from his position as its chairman; more often than not he has exerted great influence over it through his impact on the selection of its members. More rarely, he has been confronted with an independent and sometimes rebellious committee. But from its establishment as a standing committee in 1880, the Committee on Rules has played an increasingly central role in the House, monitoring and sometimes controlling the flow of legislation from the standing committees to the floor.

Thus, the history of the Committee on Rules has been, in large measure, the history of the House of Representatives. Other important House committees, for example, Appropriations and Ways and Means, may well have made greater substantive contributions to national policy over the years. However, each of these committees has restricted its activities to one dimension of Congress' constitutional mandate, namely "appropriations made by law" or "the power to raise and collect taxes. . . ."[20] In contrast, the Committee on Rules, in its scheduling capacity, has had to work closely with all of the standing committees of the House. Through the years, its chairmen and members have found themselves in wide-ranging and often intense negotiations with committee leaders and House Members on both sides of the aisle.

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[17] James T. Patterson, *Congressional Conservatism and the New Deal* (Lexington: University of Kentucky Press, 1967).

[18] This event has been described from many perspectives but see especially Richard Bolling, *House Out of Order (New York: E.P. Dutton, 1964) [Chapter 10]; Neil MacNeil, Forge of Democracy: The House of Representatives* (New York: David McKay Co., 1963) [Chapter 15]; and Milton C. Cummings Jr., and Robert L. Peabody, "The Decision to Enlarge the Committee on Rules: An Analysis of the 1961 Vote," in *New Perspectives on the House of Representatives*, ed. Robert L. Peabody and Nelson W. Polsby (Chicago: Rand McNally & Co., 1963), pp. 167–94.

[19] Bruce I. Oppenheimer, "The Rules Committee: New Arm of leadership in a Decentralized House," in *Congress Reconsidered*, 1st ed., edited by Lawrence C. Dodd and Bruce I. Oppenheimer, (New York: Praeger, 1977), pp. 96–116.

In the following sections we examine the principal powers of the Rules Committees: (1) original jurisdiction over the rules and (2) scheduling of legislation. Later sections explore the role of the chairman and the composition of the membership and staff. A final section provides an overview of the functions of the Committee on Rules in relationship to the House leaders and majority and minority membership.

## The Powers of the Committee

### *Original Jurisdiction*

For nearly two centuries the Committee on Rules has been endowed with original jurisdiction over the Rules of the House. For much of its history as a select committee (1789–1879), the House relied upon the constitutional provisions of Article I, the rules proposed by its first Rules Committee, *Jefferson's Manual,* and its own precedents as guidelines for parliamentary practices. Gradually, however, numerous and sometimes contradictory rules were added. From time to time the rules would become so complicated and so much at cross-purposes, that wholesale changes would be needed. Alexander identifies several major revisions: for example, Israel Washburn's (R-Me.) proposed modifications of 1860 and the Committee on Rules revisions of 1880 under the chairmanship of Speaker Randall.[21] After Speaker Reed's famous counting of a disappearing quorum, Reed's rules were proposed and adopted on February 14, 1890.[22] Another wholesale change of the rules followed the overthrow of Speaker Cannon in 1910.[23]

In more recent times major changes in the House Rules have come about through complex legislative enactments. Among the most important have been the Legislative Reorganization Acts of 1946 and 1970, the Committee Reform Amendments of 1974, and the Congressional Budget and Impoundment Act of 1974.

The Rules of the House of Representatives, as of the 97th Congress, were fifty in number, many containing multiple sections and sub-sections. Together with the Constitution, *Jefferson's Manual,* applicable statutes, and numerous references to the precedents of the House, the annotated version of the House Rules approaches 922 pages in length. To the careful student of parliamentary procedure, the House rules are only the beginning. Previous clerks and parliamentarians of the House have codified the day-by-day rulings of the chair into *precedents.* These, in turn, have been codified and compiled into sets of bound volumes: Hind's (volumes I–V, 1907); Cannon's (volumes VI–VIII, 1921); and Deschler's *Precedents* (volumes I–IV, 1974 to date). As Lewis Deschler, parliamentarian of the House from 1928 to 1974, has observed in an additional summary volume, *Deschler's Procedure:*

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[20] Article I, Sections 8 and 9, U.S. Constitution.

[21] Alexander, *History and Procedures of the House of Representatives, pp. 192–194.*

[22] Ibid., pp. 205–206.

[23] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon,* pp. 125–144; George R. Brown, *The Leadership of Congress* (Indianapolis: Bobbs-Merrill Co., 1922, pp. 143-171.

> Precedents may be viewed as the "common law," so to speak, of the House, with much the same force and binding effect. Of course, the Speaker is not required to follow precedents blindly or mindlessly. There are occasions when it is considered necessary to distinguish between precedents superficially identical; and in rare instances it is necessary to make a rational choice between conflicting precedents.[24]

It is up to the Speaker or, in his absence, the presiding officer, to make the final decision, often influenced by the interpretations of the House parliamentarian. Ultimately, of course, these rulings and all modifications in the Rules must be approved by a majority of the House. Once adopted, however, they tend to take on an enduring quality and are exceedingly resistant to change.

The primary statement of the Rules Committee's jurisdiction is set forth in clause 1(q) of House Rule X. The Committee has jurisdiction over:

(1) The Rules and joint rules (other than rules or joint rules relating to the Code of Office Conduct) and order of business of the House.

(2) Emergency waivers (under the Congressional Budget Act of 1974) of the required reporting date for bills and resolutions and authorizing new budget authority.

(3) Recess and final adjournments of the Congress.

(4) The Committee on Rules is authorized to sit and act whether or not the House is in session.

In recent years under the direction of Chairman Richard Bolling (D-Mo.), the Committee has focused greater attention on original jurisdiction matters that include the budget process, committee jurisdictions, congressional procedures, the creation of select committees, legislative vetoes and sunset legislation. The Committee established in 1979 two standing subcommittees to study bills and resolutions affecting House Rules. Under the leadership of Representative Gillis

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[24] Lewis Deschler, *Deschler's Procedure* (Washington, D.C.: U.S. Government Printing Office, 1974), p. v.

Long (D.-La.), the Subcommittee on the Legislative Process considered sunset legislation, by which many Federal programs and agencies would expire automatically unless the Congress took periodic action to renew them. The Subcommittee on Rules of the House, chaired by Representative John Joseph Moakley (D-Mass.) conducted extensive inquiries into proposals such as legislative veto legislation, by which the Congress may prevent proposed administrative regulations from taking effect.

## *Scheduling: Gatekeeper to the House Floor*

The scheduling function of the Committee on Rules, which is its second major power, can be traced back to two grants of authority from the House, one in 1841 and the other in 1883. In the first instance, the Rules Committee was given the right to report periodically to the full House. Such a report could make possible consideration of legislation by a majority vote, rather than by unanimous consent or the two-thirds vote needed to suspend the rules. Although this was a short-lived power, seldom exercised, it was to be revived in an even more potent form.[25] In 1883, the House accepted a Speaker's ruling that substantially broadened the Committee's powers. Rules had been a standing committee for three years; the Speaker had become its chairman. The House upheld a ruling that the Committee on Rules could report a special order or resolution providing for the time and method of considering a particular bill on the floor.[26] In so doing, the House launched a procedure that has guided its conduct of business to this day.

The process of scheduling can be simple or complex, depending upon such factors as the subject matter of the legislation, the time available to consider it, and the degree of controversy expected on the floor. These factors are likely to be colored, in turn, by personal relationships between the party leaders of the House, the members of the Committee on Rules, and the leadership of the relevant committee.

As Professor James Robinson has pointed out, many of the bills and resolutions coming to the floor will not come before the Committee on Rules.[27] Much of the business of the House is relatively noncontroversial and is considered under more expeditious procedures, such as the Consent Calendar or suspension of the rules. But almost all of the major and controversial measures are brought before the Committee on Rules before they come to the floor.[28]

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[25] Charles R. Atkinson and Charles A. Beard, "The Syndication of the Speakership," Political Science Quarterly (September 1911): p. 382.

[26] *Congressional Record*, vol 10 (46th Congress, 2nd Session), February 9, 1880, p. 768; Alexander, *History and Procedures of the House of Representatives*, p. 196.

[27] Robinson, James A., "The Role of the Rules Committee in Arranging the Program of the U.S. House of Representatives." Western Political Quarterly, vol. XII, September, 1959, p. 653–669.

After a substantive committee of the House, such as Education and Labor or Energy and Commerce, has held hearings on legislation, gone through a mark-up, voted out a bill, and issued a report, its chairman usually writes to the chairman of the Committee on Rules. The chairman requests that a hearing be held on his bill and asks for the specific type of special order or rule his committee would prefer. In most instances the Chairman of the Rules Committee responds favorably to the request and schedules a hearing.

Before the Committee adopted a written set of rules in 1967, the chairman had greater independent power to affect the Committee's agenda and decisions by postponing or refusing hearings, preventing Committee quorums from convening, or stringing out hearings, once called, with a parade of hostile witnesses.

## *Circumventing the Rules Committee*

Calendar Wednesday and the "21-Day Rule" are procedural devices that have been used to circumvent the scheduling power of the Speaker and to restrict the Committee on Rules. The Calendar Wednesday procedure was adopted by the House on March 1, 1909, in an effort to curtail the scheduling power of Speaker Cannon and to prevent him from arbitrarily delaying or blocking House consideration of items on the Union or House Calendars. Calendar Wednesday provides for the alphabetical calling of the roll of standing committees every Wednesday. Legislation may be called up from the House or Union Calendar by a committee when its name is called. In practice, Calendar Wednesday is a rarely used device, and the House routinely dispenses with it by unanimous consent. The Committee on Rules is prohibited by House Rules from reporting a rule that provides for dispensing with Calendar Wednesday by less than a two-thirds vote.

During the 81st and 89th Congresses (1949–1951, 1965–1967), the House attempted to avoid delay in obtaining rules by using what was known as the "21-Day Rule," a method of obtaining consideration of legislation that had been before the Rules Committee for twenty-one days without being cleared for floor action. The 21-Day Rule as it applied in the 81st Congress stipulated that on the second and fourth Mondays of each month, the Speaker was required to recognize the chairmen of the various committees to call up the legislation that had been stalled in the Rules Committee. In the 89th Congress, the 21-Day Rule operated in much the same way except that the chairmen were recognized at the Speaker's discretion. In each case the 21-Day

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[28] Ibid., p. 653.

Rule lasted for only a single Congress. It was largely designed to free legislation being blocked by a conservative coalition of southern Democrats and Republicans on the Rules Committee. And when the 1950 and 1966 elections produced more ideologically conservative House memberships, the 21-Day Rule was repealed.

Aside from these procedures, House rules provide other means for legislation to reach the floor without a special order from the Rules Committee, such as under suspension of the rules or as part of the consent calendar. But on controversial legislation, these rules will rarely be effective. In addition, certain privileged legislation need not have a rule providing for floor consideration although oftentimes a rule will accompany such legislation to facilitate floor proceedings.

The Committee on Rules in session around the old committee table during the 89th Congress (1965–1966). Beginning in the center and moving counterclockwise are: Chairman Howard W. Smith (D., Va.), William M. Colmer (D., Miss.), Ray J. Madden (D., Ind.), James J. Delaney (D., N.Y.), James W. Trimble (D., Ark.), Richard Bolling (D., Mo.), Thomas P. O'Neill, Jr. (D., Mass.), B. F. Sisk (D., Calif.); standing, Mary Spence Forest (staff assistant), Robert Hynes (minority counsel); continuing with Members seated, John Young (D., Tex.), Claude Pepper (D., Fla.), Delbert Latta (R., Ohio), James H. Quillen (R., Tenn.), Dave Martin (R., Neb.), John B. Anderson (R., Ill.), H. Allen Smith (R., Calif.), and standing Laurie C. Battle (Staff Director and General Counsel).

### *Hearings*

Rules Committee hearings are held in Room H-313 on the third floor of the U.S. Capitol. Its ceilings are high; an ornate crystal chandelier dominates the room. Members sit along a two-tiered, semi-circular committee bench—the Republican minority to the right of the Chairman, the more senior Democrats to his left. Junior Democratic members often sit on the lower tier. The witness table and chairs are located directly in front of the chairman. Other Congressmen waiting to testify, members of the press, interest group representatives, and other spectators take up most of the remaining space.

Prior to 1975, the Committee occupied the same room but with a more informal, less austere setting. Members sat around a long, felt-topped table, the chairman at one end, the witnesses at the other. Democrats and Republicans faced each other across the table in order of their seniority. Congressmen and spectators crowded around the table, listening in on strategy and speculating whether the Rules Committee would report out a bill for floor debate or postpone action.

The Rules Committee chairman controls the order in which witnesses appear and also initiates the questioning. Typically, the chairman of the committee requesting the rule makes a short statement. He or she is followed by the ranking minority member. Sometimes subcommittee leaders open the explanation of the bill.

In many cases the components of the proposed special order form the basis for the dialogue between the substantive committee leaders asking for the rule and the Rules Committee members. More often than not, the questioning escalates into discussions about the merits of the bill itself. If the legislation is particularly wide-ranging or controversial, Congressmen who do not sit on the relevant legislative committee seek to testify. (Usually only Members of Congress are allowed to testify during a rule request hearing.) Interrogation of each witness takes place under the five-minute rule until each Committee member, if he or she wishes, has had an opportunity to question each witness. Questioning is rather informal. The Chairman rarely enforces the five-minute rule, and Committee members yield to one another to allow their committee colleagues to make a specific point or follow up on the line of questioning.

A quorum, at least a majority of the Committee, must be present before a recommendation on a rule can be reported out, deferred, or tabled (killed). Most decisions are made by voice vote, but any member may ask for a roll call vote. Given the Committee's 11-to-5 party ratio since 1974, a Speaker can usually get what he wants. This was especially the case in the 96th and 97th Congresses, given the long association, close working relationship, and shared policy views of Speaker Thomas P. O'Neill, Jr., and Chairman Richard Bolling.

Once a special rule has been reported out, the Majority Leader—working closely with the Speaker, the Rules Committee chairman, and the substantive committee chairman—decides upon an appropriate date for taking up the rule on the floor. Rules for emergency legislation can be considered the same day they are reported if the House agrees to consideration by a two-thirds vote.[29]

## *Special Orders or "Rules"*

There are four basic kinds of special orders, resolutions or "rules."[30] These are drafted by the House Parliamentarian, at the request of the Committee on Rules and in consultation with the committee leaders, as a means of expediting the consideration of legislation on the floor. Draft copies of the rule are generally available to Rules Committee members at the beginning of each meeting. Those drafts may be revised, particularly for controversial bills, before the Committee finally agrees on a final version of the Rule.

The rules range from closed (allowing no amendments) to open (allowing all germane amendments) in terms of the freedom that Members have to offer amendments when the bill is considered by the House. Most Members prefer open rules, although from time to time they accept the premise that some bills (such as tax legislation) require restrictive rules because they are too complex and technical to be amended freely on the floor. The most restrictive type of rule is a closed rule, which prohibits the offering of any amendments to the pending measure—even those offered by the committee with jurisdiction over the bill. This type of rule is generally granted at the request of the committee of jurisdiction, which usually seeks to preclude all amendments.

In recent years it has become more common for the Rules Committee to write rules that are neither purely open or closed. These more complicated rules are usually referred to as modified open, modified closed or complex rules. Such rules usually limit the amendments in order to a pending measure to those offered by the committee with jurisdiction over the bill, or provide that only specified amendments may be considered, or provide that amendments may be offered to certain titles or sections of the measure and not to others. Generally, the Rules Committee designates the specific language that is open to amendment by reference to sections and titles or sometimes to the text of an alternative bill that may be proposed as an amendment. Modified rules have been used especially as a means for dealing with complicated legislation involving the jurisdictions of two or more committees. Energy legislation, in recent years, has been a prevailing example.

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[29] Rule XI, cl. 4(b), *Rules of the House of Representatives of the United States Ninety-seventh Congress* (96th Congress, 2nd Session), pp. 428–429.

[30] For a more complete discussion of the pros and cons of these alternative rules, see Chapters I and VI; and James A. Robinson. The House Committee on Rules, p. 45–55.

The majority floor managers for the Committee on Rules have been directed by the Democratic Caucus to limit debate to ten minutes on rules resolutions relating to the order of business which are both open and noncontroversial. No such directive, however, has been given to the Republican Rules members. The length of debate on a rule varies according to the degree of controversy over the bill or the complexity of the rule, but debate on most noncontroversial rules is within the limits of the directive.

Another type of rule calls for the waiving of specific House Rules or waiving all points of order that might be raised against a particular bill. For example, if an appropriations bill contains legislation or unauthorized appropriations, a waiver of clause 2 of Rule XXI would be needed to permit consideration of the item. More and more, the Rules Committee has been attempting to specifically identify each waiver, by line and page, so as to fully inform members as to the content and effect of the rule. Rules waiving points of order to permit consideration of conference reports, budget resolutions, and appropriations bills fall within this category.

A fourth type of rule, and the one most frequently reported, is an open rule, which means that any germane amendment may be offered to the bill. Typically, after general debate on the bill as specified in the Rule (one, two, or more hours), the bill is ready for amendment under the "five-minute rule." Any Member may stand up, seek recognition, and offer an amendment, providing that it be germane to the bill.[31] He or she then has five minutes to speak in favor of the proposed amendment. Other Members, including the floor managers of the bill, may rise to support or oppose the amendment. It may then be accepted or rejected under a variety of voting procedures—voice, division, roll call, or, since the early 1970's, a vote by "electronic device."

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[31] Under Rule XVI, clause 7, which dates back to the 1st Congress "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." *Rules of the House* p. 492. Over the years, the House has established many precedents as to whether or not a particular amendment is in fact germane under this clause.

## House Calendar No. 22

97TH CONGRESS
1ST SESSION

# H. RES. 156

[Report No. 97–136]

Providing for the consideration of the bill (H.R. 3023) to authorize appropriations to the Department of Energy for fiscal year 1982 for conservation, exploration, development, production, sale, and use of the naval petroleum reserves and naval oil shale reserves.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1981

Mr. HALL of Ohio, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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# RESOLUTION

Providing for the consideration of the bill (H.R. 3023) to authorize appropriations to the Department of Energy for fiscal year 1982 for conservation, exploration, development, production, sale, and use of the naval petroleum reserves and naval oil shale reserves.

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3023) to authorize appropriations to the Department of Energy for fiscal year 1982 for conservation, exploration, development, production, sale, and use of the naval petroleum reserves and naval oil shale reserves, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

**House Calendar No. 117**

97TH CONGRESS
2D SESSION

# H. RES. 477

**[Report No. 97-583]**

Providing for the consideration of the concurrent resolution (H. Con. Res. 345) revising the congressional budget for the United States Government for the fiscal year 1982 and setting forth the congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985.

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IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1982

Mr. BOLLING, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

Providing for the consideration of the concurrent resolution (H. Con. Res. 345) revising the congressional budget for the United States Government for the fiscal year 1982 and setting forth the congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985.

*Resolved,* That upon the adoption of this resolution it shall be in order, section 305(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union amendment except by pro forma amendments for the purpose of debate only and by the following perfecting amendments printed in the Congressional Record of May 21, 1982:

(1) the amendment by Representative Pease;

(2) the amendment by Representative Bonior;

(3) the second amendment printed by Representative Jones;

(4) the amendment by Representative Kemp;

(5) the amendment by Representative Martin; 3 N. C.

(6) the amendment by Representative Huckaby;

(7) the third amendment printed by Representative Jones;

(8) the amendment by Representative Schroeder;

(9) the amendment by Representative Green;

(10) the amendment by Representative Conyers;

(11) the amendment by Representative Wylie;

(12) the second amendment printed by Representative Solarz;

(13) the second amendment printed by Representative Simon;

(14) the third amendment printed by Representative Simon;

(15) the first amendment printed by Representative Simon;

(16) the fourth amendment printed by Representative Simon;

(17) the amendment by Representative Ottinger;

(18) the first amendment printed by Representative Waxman;

(19) the third amendment printed by Representative Waxman;

(20) the second amendment printed by Representative Waxman;

(21) the third amendment printed by Representative Solarz;

(22) the amendment by Representative Oakar;

(23) the second amendment printed by Representative Solarz;

(24) the amendment by Representative Hefner;

(25–31) the amendments by Representative Ford in the order in which printed;

(32–43) the amendments by Representative Hoyer in the order in which printed;

(44) the amendment by Representative Downey;

(45–46) the amendments by Representative Parris in the order in which printed;

(47) the amendment by Representative Wolf;

(48) the amendment by Representative Hughes;

(49) the amendment by Representative Zeferetti;

(50) the amendment by Representative Perkins;

(51–53) the amendments by Representative Fowler in the order in which printed;

(54) the amendment by Representative Weiss;

(55–56) the amendments printed by Representative Whitten in the order in which printed;

(57–58) the amendments by Representative Beilenson in the order in which printed;

(59–66) the first eight amendments by Representative Roe in the order in which printed; and

(67–68) the amendments by Representative Clausen in the order in which printed.

These perfecting amendments, if offered, shall be considered only in the order listed in this resolution and shall be in order any rule of the House to the contrary notwithstanding. An amendment initially offered to one of said substitutes by the Member who caused the amendment to be printed in the Congressional Record may be debated under the five-minute rule unless it has been offered to the amendment in the nature of a substitute offered by Delegate Fauntroy, in which case it shall be debatable for not to exceed ten minutes, equally divided and controlled by the proponent and a Member opposed thereto. After the disposition of a perfecting amendment to the category B substitute to which originally offered, the perfecting amendment may then be offered separately to either or both of the other category B substitutes by any Member prior to the offering of another of the perfecting amendments, but debate on such a perfecting amendment if offered to a subsequent substitute shall continue not to exceed ten minutes, equally divided and controlled by the proponent and a Member opposed thereto. It shall also be in order to consider the amendment or amendments provided in section 305(a)(6) of the Congressional Budget Act of 1974 necessary to achieve mathematical consistency. If more than one of the amendments in the nature of a substitute made in order by this resolution have been adopted, only the last such amendment which has been adopted shall be considered as having been finally adopted and reported back to the House.

### *Floor Consideration of the Rule*

Once a special order has cleared the Committee on Rules, it is up to the majority leadership, working in close consultation with the committee of jurisdiction, to decide when the bill will come to the floor. Typically, at the end of each week a colloquy takes place on the floor of the House between the Majority Leader and the Minority Leader over the schedule for the following week. In addition, each majority and minority Member receives a copy of his party's whip notice, on Friday, advising of the forthcoming schedule, and thus allowing time to plan his own agenda, including possible trips back to the district.

Major bills often are scheduled for the middle of the week because items scheduled under suspension of the rules usually are considered on Monday and Tuesday of each week, and on the second and fourth Mondays of each month legislation relating to the District of Columbia is eligible for consideration.

When time comes to present a rule, the majority member who filed the rule (a privileged House resolution) or another majority member of the Rules Committee, designated by the chairman, is recognized by the Speaker. He or she stands at the majority committee table on the House Floor. Once recognized, the member says:

> Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution ——, and ask for its immediate consideration.

(Any Member of the Committee on Rules may be recognized to call up a rule that has been on the House Calendar for at least seven legislative days, and the Speaker is required to recognize the Rules member seeking recognition for that purpose as a question of the highest privilege. On at least two occasions during the 96th Congress, a Republican member of the Committee on Rules was recognized to call up a rule.)

Once the Clerk has read the resolution, the Speaker recognizes the majority Rules Committee member for one hour. He then customarily yields thirty minutes to his minority counterpart, and debate on the rule is under way. On controversial rules, the full time is consumed, generally followed by a vote on the previous question.[32] Depending on the amount of opposition and the strategy of the opponents, there may be a roll call vote on the previous question on the rule. If the previous question is defeated, an opponent to the rule as presented, usually the minority party manager, may then control one hour of debate and propose an alternative rule and seek its adoption. A rule may be amended only by unanimous consent or if the previous question is defeated and an amendment is offered and adopted by the House. More typically, debate on the rule is over in fifteen or twenty minutes, and the rule may be accepted by voice vote. Once the rule is adopted, the House is ready to consider the legislation by resolving into the Committee of the Whole House.[33]

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[32] A vote on the previous question, which also dates back to 1789, is the device by which the House closes debate, prevents amendments, and comes to a direct vote on the matter before it. Rule XVII clause 1, *Rules of the House*, p. 510.

## *Party and Committee Leadership*

The late ninteenth century and first decade of the twentieth century were the highwater marks of cohesive party leadership in the House of Representatives. The chief mechanisms for effective party control were, first, the Committee on Rules chaired by the Speaker and, later, party caucuses and control over the assignment of members to committees.[34] But it was the misuse of the Rules Committee, together with the arbitrary exercise of the Speaker's powers over floor recognition and committee assignments, that led to the revolt against Cannon.

Since 1910, the chairman of the Committee on Rules has operated from an independent base of authority. Although he often has worked in reasonable harmony or even close cooperation with the leadership on scheduling, the possibility of disagreement leading to prolonged conflict is always present. Thus, a major consequence of the reforms of 1910 was that they led, almost inevitably, to decentralized and potentially fragmented party leadership in the House of Representatives.

From 1880 to 1982, twenty-one men—thirteen Democrats and eight Republicans—have been chairman of the Committee on Rules (see Appendix). Approximately the same number of Congressmen have served as ranking minority member. Due to a shift in party control, some members have served in both capacities. Chairmen and ranking minority members usually play critical roles on all the committees of Congress because of their control over agenda-setting and, until recent Congresses, an almost total monopoly over staffs. But their influence on the Rules Committee appears to be heightened, in part, because it is a relatively small committee (about one-third the size of the other committees) and, in part, because its leaders usually maintain working relationships with other powerful men and women in the chamber, especially House leaders and committee chairmen.

The chairman of Rules, almost by virtue of his position, is catapulted into a major leadership role in the House. Of course, to the extent that he is passive, ailing, or ineffective in personal dealings, his opportunities to influence the course of legislation will decline. The personal backgrounds and methods of operation of several of the more tenacious chairmen are described in subsequent chapters, for example, Reed, Crisp, and Cannon (Chapter II); Campbell and Snell (Chapter III); O'Connor and Allen (Chapter IV); and Smith and Bolling (Chapter V). As will be seen, during the tenure of weak chairmen, prime leadership of the Committee often rested elsewhere. And some of the more influential Rules Committee members, such as Edward Eugene Cox (D-Ga.) and Clarence J. Brown (R-Ohio), never had the opportunity to chair the Committee.

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[33] Under this procedure the Speaker vacates the chair and appoints a chairman to preside over the Committee of the Whole House. All members are eligible to participate just as in the full House. But the quorum—that is, the number of members who must be present in order to conduct business—is reduced to 100 members. Rule XXIII, *Rules of the House*, pp. 556–572. Portions of this rule also date back to 1789.

[34] Paul D. Hasbrouck, *Party Government in the House of Representatives* (New York: MacMillan, 1927), chapters 1–3.

## *The Chairman's Powers*

In his study of the House Committee on Rules, James A. Robinson has described succinctly the basis for the chairman's powers:

> The Chairman's capacity to participate in Committee and House decisions with the probability of affecting the outcome of the decisions is a combination of his personal skills, the traditions surrounding the Chairman's role, and the extent of his general agreement with the Committee.[35]

Also important are his relationships with House leaders and the degree to which he and his Committee colleagues agree with the prevailing sentiments of the majority party and the House membership.

A Rules chairman's relationship with the ranking minority member is also important. Howard W. Smith, for example, had especially close ties, both ideologically and personally, to Leo Allen of Illinois, and later, Clarence J. Brown of Ohio. The more independent the chairman is from his own party leadership, the more he must rely on support from the minority side. But even during times of alliance between the Committee's majority party members and their party leaders, the Committee also has enjoyed cooperative, if not always close, personal relationships between chairmen and ranking minority members. For example, despite rather sharp policy differences, in the 96th Congress (1979–1981), Chairman Richard Bolling (D-Mo.) and ranking minority member James H. Quillen (R-Tenn.) were able to work together on complex and controversial legislation.

The chairman of the Rules Committee exercises a number of specific powers: (1) scheduling meetings of the committee (under regular notice procedure or as emergency session); (2) setting the agenda for the committee; (3) scheduling witnesses; (4) deciding what components are to be included in a draft rule; (5) deciding when to put an issue to a vote; (6) reporting the committee's resolutions to the floor and managing them during debate or assigning these responsibilities to other members; and (7) serving as the center of communications for the committee.[36]

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[35] Robinson, "The Role of the Rules Committee in Arranging the Program of the U.S. House of Representatives," p. 81.

In some respects, these powers have declined in recent years. For example, the power to call or not call meetings rested solely with the chairman until 1967, when a regular Tuesday morning meeting time was established during the chairmanship of William Colmer (D–Miss.). Before 1967 the Rules Committee had been unique among House committees in having no fixed time for meetings. Smith, who preceded Colmer as chairman, obviously preferred this flexibility since it enhanced his own powers.[37] The Committee rules currently provide that a Tuesday meeting day may be dispensed with if, in the judgment of the chairman of the Committee, there is no need for the meeting. Furthermore, additional meetings may be scheduled by the chair or by the filing of a written request, signed by a majority of the members of the Committee, with the staff director of the Committee. The Committee rules also require that each member of the Committee be notified on the agenda of a meeting at least 48 hours in advance of the meeting and copies of the bill, report and any pertinent data on the legislation must be provided to each member at least 24 hours before the meeting.

The chair may call an emergency meeting or hearing of the Committee at any time on any measure that he determines to be of an emergency nature; provided that he makes an effort to consult the ranking minority member of the Committee.

The responsibility for managing special rules on the floor is now rotated more or less regularly among all the majority party members. Previously, the chairman occasionally could affect the fate of a bill by his selection of the Rules Committee member who directed the debate on the rule for the bill's consideration.

By definition, the stronger the personality, convictions and parliamentary skills possessed by the chairman, the more likely he is to impose his own views and control on the committee. Smith, the chairman from 1955 to 1966, again provides an example. As a member who served with Smith in the 1950's recalls:

> He was so clever, so skillful, that . . . he had almost all the Democrats voting with him. And it didn't make [much] difference whether they were liberals or conservatives. He had control of his committee. . . .[38]

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[36] Ibid., pp. 84–88.

[37] As chairman, Howard W. Smith defended this practice: "Rules is different. It's always been that way as long as I can remember and I've been a Member for 31, now 32 years. We have nothing to do for the first two or three months of a session. It takes other committees a while to get going to develop 'grist for our mill.' On the other hand, after we get busy, we meet much more often. . . .

We may meet on very short notice. Somebody will object. . . . I'll be sitting on the House floor, and I'll tell them, 'meet me upstairs in ten minutes . . .' " Interview by Robert L. Peabody, November 24, 1964, p. 4.

[38] Interview by Robert L. Peabody, April 29, 1980.

"Strategy," as Harold Lasswell once observed, "enables an elite whose members initially control fewer assets than their rivals to come out disproportionately well.[39] With several important exceptions during the early 1960's, Chairman Smith entered most controversial legislative battles at a distinct disadvantage. He knew that the Speaker's votes generally outnumbered his own, except when almost all the southern Democrats combined with nearly united Republican opposition. Speakers Rayburn and McCormack usually could prevent the conservative coalition from winning. Yet, on a number of occasions, Smith and his southern colleagues were able to come out "disproportionately well," either by preventing bills from passing or by extracting significant legislative concessions.

Of the seven chairmen who served between 1939 and 1981, Smith and Richard Bolling are widely acknowledged as the strongest and most skillful in the use of parliamentary techniques. Bolling was first elected to the House from a Kansas City, Missouri, district in 1948. He quickly became a protégé of Speaker Sam Rayburn and, because of his district, he also developed strong ties with President Harry S. Truman.

Bolling was appointed to the Rules Committee in 1955, the same year that Smith became chairman. Another newcomer to the Committee that year, immediately behind Bolling in seniority, was Thomas P. "Tip" O'Neill, Jr., of Massachusetts. First appointed Democratic Whip in 1971, O'Neill was elected Majority Leader in 1973, at which time he followed tradition and resigned his position on the Committee on Rules. Four years later, by acclamation, O'Neill became the 47th Speaker of the House of Representatives.[40]

Bolling had served twenty-four years on the Committee on Rules before succeeding to the chairmanship in 1979. However, over the years he had operated as a principal leadership liaison on the Committee for several Speakers including Rayburn, McCormack, Albert, and O'Neill.

## Committee Membership and Staff

### *Membership*

From the first eleven-member select Committee on Rules in the 1st Congress to the sixteen-member standing committee in the 97th, its members have always represented several factions or parties. As the two-party system crystallized after the Civil War, the committee settled into its 3-to-2 (the Speaker included) and later, 2-to-1 majority-minority party ratio. Some Rules Committees have operated with scarcely any concern for minority party influence—especially several of the five-member, Speaker-dominated committees from 1880 to 1910. Throughout most of its history as a standing committee, the Rules Committee functioned as an agency of the majority party leadership. Minority members, whether Democrats or Republicans, usually have played a truncated role.

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[39] Harold Lasswell, "Agenda for the Study of Political Elites" *Political Decision-makers, ed.* Dwaine Marvick (Glencoe, Ill.: Free Press, 1961).

[40] Paul Clancy, and Shirley Elder, *Tip: A Biography of Thomas P. O'Neill* (New York: Macmillan Co., 1980).

Although the first Committee on Rules' operations were brief, its membership was distinguished. Eight of the eleven, including Chairman Elias Boudinot of New Jersey, were former members of the Continental Congress. Throughout it lengthy history, and especially after its creation as a standing committee in 1880, the Committee on Rules has been characterized by an experienced, and sometimes distinquished membership. For example, James Madison of Virginia and James Garfield of Ohio, both of whom rose to influential positions in the House while serving on the Committee on Rules, later became President. In addition to the Speakers who chaired the Committee on Rules from 1858 to 1910, four additional former members of the Committee on Rules have become Speaker of the House of Representatives: Champ Clark (D-Mo., 1911–1919), William B. Bankhead (D-Ala., 1936–1940), Joseph W. Martin (R-Mass., 1947–1949, 1953–1955), and Thomas P. O'Neill, Jr. (D-Mass., 1977- ). The Appendix includes a complete roster of all members of the standing Committee on Rules, listed alphabetically and also categorized by Congress and party, and leadership positions.

Once the Speaker became a member of the Select Committee on Rules in 1858, and even more after its conversion to a standing committee in 1880, he found ways to consolidate his power. Often he appointed senior, loyal lieutenants to the Rules Committee.[41] Minority appointees often included former Speakers, if not the actual leaders of the minority party.

The two most critical shifts in committee size followed major floor fights: one, in 1910, launched against an autocratic Speaker; the other, in 1961, initiated by a Speaker as a means of regaining control of an obstructionist Committee on Rules. After the successful revolt against Speaker Cannon, the Committee was increased from five to ten members, but the Speaker no longer was a member of the Committee. After the 1961 controversy, Rules was enlarged from 12 to 15 members, still maintaining the 2-to-1 party ratio.

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[41] Perhaps the epitome of this practice was recorded by Follett, *The Speaker of the House of Representatives,* p. 117. "[I]n the 51st Congress Carlisle, and in the 51st Congress Reed, appointed the chairman of the Ways and Means and the chairman of Appropriations, together with the Speaker, as the majority members of the Committee on Rules. The three men occupying the most powerful places in the House were thus associated, and formed a "steering committee" by whose insistence the McKinley tariff of 1890 was forced through. They took the responsibility of legislation." The Speaker of the House of Representatives, p. 117.

When the Committee Reform Amendments of 1974 were adopted, the House decided to delete from the Rules of the House all the provisions establishing the size of committees. In response, in December 1974, members of the Democratic Caucus adopted a resolution calling for most standing committees in the House, including Rules, to have a party ratio of two-to-one, plus one. (In the 94th Congress, Democrats had an overall ratio in the House of 291 to 144). Despite subsequent modifications in the sizes and party ratios of other House Committees, the Committee on Rules has remained since 1975 at sixteen members: eleven Democrats and five Republicans.[42]

The Democratic Caucus also authorized the Speaker to appoint *all* Democratic members of the Rules Committee, subject only to final approval by the Caucus and routine ratification by the House. Thus, for the first time since Joseph Cannon dominated the House, a Speaker has the power to appoint and the power to remove (providing he can obtain Caucus approval) members of the Committee on Rules. This power should be put in context, however. Prior to 1974, Speakers almost always exercised a controlling influence over the nomination to Rules that were made by their respective party's Committee on Committees.[43] Under either mode of appointment, several prime requisites have generally characterized Speakers' preferences for Rules Committee members: personal loyalty to the Speaker or sometimes to the Majority Leader; a record of at least two or three terms with demonstrated performance as a party regular on the floor; or representation of a particular state, region, or party segment.

## *Staff*

No allowances were made for staff for the Committee on Rules, like other House committees, at least until 1893, when individual Representatives were allowed clerk-hire allowances for the first time.[44] During the years that Speakers served as chairman, their personal staff might apportion part of their time to Rules Committee activities, but the records for this period are practically non-existent. Even after professional staffs for committees were provided through the Legislative Reorganization Act of 1946, the staff for the Committee on Rules remained exceedingly small, seldom more than a majority clerk and perhaps a secretary.

The growth in the staff of the Committee on Rules in the 1960's and 1970's has been symptomatic of staff growth in the House in general. House Committee staffs have doubled, and then redoubled, since 1960.[45] In comparison to other committees, the Rules Committee staff remains modest, especially in view of the scope of its responsibilities.

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[42] Ibid., p. 2.

[43] Of members serving since 1937, only three—Martin Frost (D-Tx., 1979- ), Clem McSpadden (D-Ok., 1973-1975) and John O'Connor (D-NY, 1923-1939)—were originally assigned to Rules after their first election to the House. Robinson, *The Committee on Rules*, pp. 92-93; Spark M. Matsunaga and Ping Chen, *Rulemakers of the House*. (Urbana: University of Illinois Press, 1976), p. 59.

[44] Harrison W. Fox, Jr. and Susan Webb Hammond, *Congressional Staffs: The Invisible Force in American Lawmaking* (New York: The Free Press, 1977), Chapter 2.

In addition to running the Committee with an iron hand, Chairman Smith also believed in practicing fiscal constraint when it came to committee staff. Before he assumed the chairmanship in 1955, the entire staff consisted of one clerk and occasionally an assistant clerk. The minority party did not receive allowances for a clerk of its own until 1950. The size of the Rules Committee staff remained at three people throughout most of the 1950's and early 1960's: usually consisting of a majority clerk, secretary, and minority clerk. By 1966, when Smith left the Rules Committee, the staff had expanded to five. Under an increasingly heavy legislative workload, Chairman Smith hired Laurie Battle, a former Democratic Representative from Alabama (1947–1955), as committee counsel.

The staff of the Committee nearly tripled (nine to twenty-six) in the 94th Congress under Chairman Ray Madden (D-Ind.) This increase was allowed, in part, as a result of increased staff allowances available under the Committee Reform Amendments of 1974. At the beginning of the 94th Congress, several Rules Committee members approached Chairman Madden with a proposal that would have created two subcommittees and allowed staffing for each but he opposed the plan. The compromise that was reached authorized each of the Committee's sixteen members to hire a legislative assistant to help him or her review legislation coming before the Committee. These associate staff persons were placed on the Committee payroll and were under the direction of the member who appointed them. This system prevails today. In 1979, staffing again increased mainly as the result of the creation of two subcommittees, one on the Legislative Process, chaired by Gillis W. Long (D-La.), and one on the Rules of the House, chaired by John Joseph Moakley (D-Mass.). Total Committee on Rules staff consisted of nearly 45 persons in the 97th Congress.

## Summary

Throughout most of its history the Committee on Rules has performed the two primary House functions: development of House rules and the scheduling of legislation. The story of the Rules Committee however is not a static one. Over time the execution of House functions have become increasingly complex. In this regard, the Committee has reflected and responded to the changes that have occurred within the House as well as to the need of the House to react to changes in the broader political and social environment. Thus, the history to be presented in the following chapters, while recognizing the constancy of these two basic functions, is also about their growth and alteration. Moreover, it is a story about tensions in representative democratic government—tension between majority rule and minority rights, tension over the role and significance of political parties, and tension between the forces of centralization and decentralization in legislative decisionmaking. Through much of its history the Rules Committee has been a focal point of the House of Representatives.

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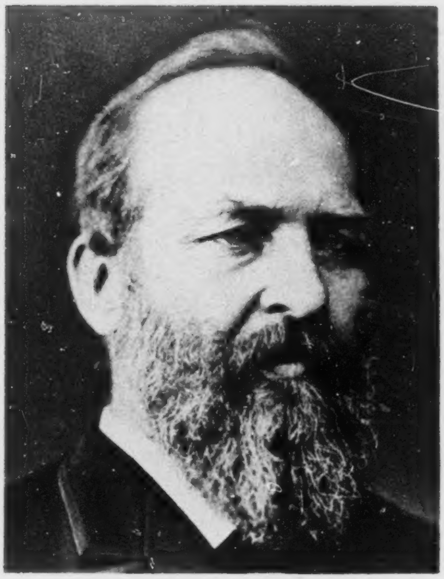
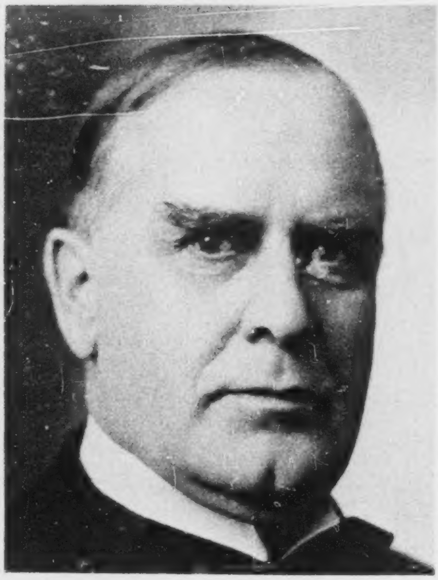
[45] Ibid. Irwin B. Arieff, "Growing Staff System on Hill Forcing Changes in Congress," *Congressional Quarterly Weekly Report*, vol. 37, November 24, 1979, pp. 2631–2654.

Most importantly, this historical examination not only traces the Rules Committee's development since 1789 and the corresponding development of House rules and procedures, but it also may provide important clues about the future. It attempts to reveal not just something about where the Committee a[illegible].S. House of Representatives have been or where they are today but where they are going and what new challenges lie ahead.



PRESIDENT JAMES A. GARFIELD



PRESIDENT WILLIAM McKINLEY, Jr.

VICE PRESIDENT JAMES S. SHERMAN

During their service in the House of Representatives the Presidents and Vice President shown above served on the Committee on Rules. James A. Garfield (R., Ohio) served on the Committee from March 19, 1879 to November 8, 1880; William McKinley (R., Ohio) served on the Committee from December 5, 1889 to March 3, 1891; and James Sherman (R., N.Y.) served on the Committee from December 12, 1907 to March 3, 1909.

# CHAPTER I

# The Quiet Years: 1789–1880

## Introduction

At midnight on March 2, 1789, the Articles of Confederation formally expired, thus ending America's initial experiment with national government. The Continental Congress had failed to meet "the exigencies of the Union," [1] and was succeeded by government under the Constitution of the United States, drafted at the Philadelphia Convention of 1787 and ratified by the requisite two-thirds of states in 1788.

Despite considerable public enthusiasm for the new government of the United States, only thirteen of the fifty-nine members of its House of Representatives assembled in their chamber on the ground floor of New York's Federal Hall on the morning of March 4. Four weeks passed before a quorum was attained on April 1, when a thirtieth Representative, Thomas Scott from western Pennsylvania, arrived in New York and took his seat.[2]

As the first order of business, the House elected as its Speaker Frederick A. C. Muhlenberg of Pennsylvania, a former Lutheran minister and Speaker of the Pennsylvania House of Representatives. The following day, in accordance with its constitutional authority, the House authorized and appointed a Committee of eleven members "to prepare and report such standing rules and orders of proceedings as may be proper to be observed in the House." [3]

There was ample precedent for the preparation of such rules. A vast majority of the Representatives elected to the 1st Congress had served in their state legislatures, the Continental Congress, or the

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[1] Henry Steele Commager, ed. Documents of American History. Englewood Cliffs, N.J.: Prentice-Hall, 1973, p. 132.

[2] *Journal of the House of Representatives.* 1st Congress, 1st Session, April 1, 1789, p. 6.

[3] Ibid., April 2, 1789, p. 6.

Constitutional Convention.[4] Rules that evolved in those bodies (which were derived in large part from English parliamentary practice) formed the basis for the first rules of the House, adopted on April 7.[5]

In creating a Rules Committee as the first congressional committee, the House fulfilled a necessary prerequisite to the orderly consideration of the great business before it.[6] The birth was quiet and accomplished without fanfare. For almost a century, the growth that followed was hardly noticed. Created as a select committee in 1789, it was destined to remain such, except for two relatively inconspicuous interludes, until 1880 when it became a standing committee.[7] Only after it achieved standing committee status did rulings by the Speaker follow "which tended to secure the place of highest privilege for the Committee on Rules." [8]

## *A Distinguished Cast*

Although the Rules Committee did not become a permanent part of the House Committee system for ninety-one years, some of the most prominent Members of the House served on the Committee. Of the first eleven Members, eight had served in the Continental Congress, and three were signers of the Constitution.[9] Four were to leave an indelible mark on American history.

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[4] George B. Galloway, *History of the House of Representatives,* (New York: Thomas Y. Crowell Co., 1961), p. 9.

[5] Charles Pickney, "Observations on the Plan of Government Submitted to the Federal Convention in Philadelphia on the 28th of May 1787," *The Records of the Federal Convention of 1787,* 4 vols. ed. Max Farrand (New Haven, Conn.: Yale University Press, 1937), vol. 3, p. 112; Lewis Deschler, *Deschler's Precedents of the United States House of Representatives,* 2 vols. (Washington, D.C.: U.S. Government Printing Office, 1977), vol. 1, p. v. (94th Congress, 2d session. House. Report no. 94-661); Ralph Volney Harlow, *The History of Legislative Methods Prior to the Period Before 1825* (New Haven, Conn. Yale University Press, 1917), p. 126; and Lauros G. McConachie, *Congressional Committees: A Study of the Origins and Development of Our National and Local Legislative Methods* (Boston: Thomas Y. Crowell, 1898), pp. 13-15.

[6] Joseph Story, *Commentaries on the Constitution of the United States,* 2 vols. (Boston: Little, Brown, and Co., 1891), vol. 1, p. 607.

[7] The Rules Committee's unobtrusive place in the firmament of 19th century Congresses is perhaps best reflected in its status as a select committee long after standing or permanent committees came into being during the 13th Congress (1813-1815). Rules was one of the seventy select committees during that Congress, and remained in the diminishing ranks of select committees throughout most of the century, while the number of standing committees rose to thirty-five by mid-century and continued to grow. The Rules Committee was temporarily graced with standing committee status for two Congresses (1849-1853). The five previous Congresses (1799-1801, 1817-1821, 1823-1827), during which it was not even constituted as a select committee, more than offset this honor. For an excellent analysis of the development of the committee system in the House, see Joseph Cooper, *The Origins of the Standing Committees and the Development of the Modern House* (Houston: Rice University Press, 1970).

[8] McConachie, *Congressional Committees,* p. 194.

[9] The first eleven Members appointed to a Rules Committee were Elias Boudinot of New Jersey, Elbridge Gerry and Benjamin Goodhue of Massachusetts, Nicholas Gilman of New Hampshire, Thomas Hartley of Pennsylvania, Richard Bland Lee and James Madison of Virginia, Roger Sherman and Jeremiah Wadsworth of Connecticut, William Smith of Maryland, and Thomas Tudor Tucker of South Carolina. *Journal of the House of Representatives,* 1st Congress, 1st Session, April 2, 1789, p. 6. Boudinot, Gerry, Gilman, Madison, Sherman, Smith, Tucker, and Wadsworth all served

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The oldest member of the Committee was also the oldest man in the 1st Congress. Roger Sherman of Connecticut—with more than thirty years experience as a lawyer, legislator, and judge—had the distinction of being the only one of the Founding Fathers to help prepare and sign four of the most important documents of the Revolutionary Era: the Articles of Association, the Articles of Confederation, the Declaration of Independence, and the Constitution.

In 1789, James Madison, the "Father of the Constitution" and future President, was beginning eight years in the House of Representatives which were to be among his most productive. He would engineer the legislation creating the executive departments and the First Ten Amendments (or Bill of Rights) to the Constitution. Elbridge Gerry from Massachusetts, Madison's second Vice President, like Sherman, had signed both the Declaration of Independence and the Articles of Confederation.

Chairman of the new committee, Elias Boudinot of New Jersey, had served on more than thirty committees in the Continental Congress, often as chairman, and was President of that body from November 1782 to November 1783.[10]

During the subsequent nine decades, Rules Committees would include as members such notables as former President John Quincy Adams, the future Vice President of the Confederacy Alexander Hamilton Stephens, future Vice President Hannibal Hamlin, and James K. Polk and James A. Garfield, who were to become the Nation's eleventh and twentieth Chief Executives, respectively.[11]

Also serving with considerable regularity were Members who either had been, or would later become, Speakers of the House. Their presence on the Committee started early. Frederick A. C. Muhlenberg, the House's first Speaker, served on a Rules Committee in the 2nd and 4th Congresses (1791–1793, 1795–1797). During the ensuing five decades, nearly half (eight out of twenty) of Muhlenberg's successors upon retirement as Speaker were called upon to become involved in the rule-making process.[12] Then in 1858, an incumbent

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in the Continental Congress. *Biographical Directory of the American Congress, 1774–1971* (Washington, D.C.: U.S. Government Printing Office, 1971), pp. 40–43. (92d Congress, 1st session. Senate. Document No. 92–8) Gilman, Madison, and Sherman signed the Constitution. David C. Whitney, *Founders of Freedom in America: Lives of the Men Who Signed the Constitution* (Chicago, J. G. Ferguson Publishing Co., 1965), pp. 101, 141, 195.

[10] Allen Johnson and Dumas Malone, eds. *Dictionary of American Biography*, 20 vols. (New York: Charles Scribner's Sons, 1928–1936), vol. 2, pp. 477–478; vol. 7, pp. 222–227; vol. 12, pp. 184–193; and vol. 17, pp. 88–91.

[11] Adams served on Rules Committees during the 23rd, 24th, 28th, and 29th Congresses; Stephens during the 31st–34th, and 45th Congresses; Hamlin during the 29th Congress; Polk during the 23rd Congress; and Garfield during the 41st–43rd, 45th–46th Congresses.

[12] Between 1793 and 1857 the following Members served on Rules Committees after a tenure as Speaker: Jonathan Trumbull (3rd Congress), Nathaniel Macon (11th–13th Congresses), John W. Taylor (17th–18th, 20th–22nd Congresses), Philip P. Barbour (18th, 20th Congresses;), John Bell (23rd, 26th Congresses), Robert T. Hunter (29th Congress), John White (28th Congress), and Nathaniel P. Banks (39th–42nd, 44th–45th Congresses).

Speaker was made a member of the Committee for the first time.[13] A year later, he was designated chairman of the Committee.[14]

## *Accomplishment Amid Criticism*

The Committee's task reflected the mandate it received in 1789 and the common sense meaning of its name: to create and revise the standing rules and procedural mechanisms by which the House would govern itself. "Whenever it became necessary to expedite business, the House, under the persuasive influence of a few members interested, usually adopted a rule intended to fit the case at hand."[15]

Although the work of the select Rules Committee was sporadic prior to 1880, it was instrumental in helping the House to refine its general rules of procedure, express itself more accurately, and improve upon those practices that were unsatisfactory. As the membership of the House grew and its business became more complex, however, the rules "became intricate, often contradictory, and generally misunderstood." Some Members found the rules complicated, while others, such as John Randolph, found them incomprehensible. As DeAlva Stanwood Alexander notes "John Randolph, whose caustic censure made the reflections of others seem spiritless, said he knew the rules when he entered the House, but the longer he served the less he understood them."[16] Sensitive to such criticism of its rules, the House undertook significant revisions of them on four separate occasions before finally resolving to create a standing Rules Committee in 1880—ninety-one years after the first rules were drafted.

As Members became more aware of the importance of efficiency in responding to the legislative demands which they faced, the Committee gradually rose to prominence. As Robert Luce has observed, the "story of the Committee on Rules of the National House is the story of the development of power made necessary by the growth of business."[17]

## *Formulating the First Rules in 1789*

The Rules Committee's first important work was completed with remarkable dispatch. On April 7, 1789, five days after the Committee was constituted, the House adopted without amendment a set of four rules. Confined to less than two hundred lines on two and one-half pages of the House *Journal*, these rules provided that:

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[13] 35th Congress, 1st Session, June 14, 1858, pp. 1141–1142. Mary P. Follett incorrectly indicates that the Speaker did not become a member of the Committee until 1860 in *The Speaker of the House of Representatives* (New York: Longmans and Green, 1902), p. 274.

[14] *Congressional Directory for the First Session of the Thirty-sixth Congress*, 2nd regular ed. (Washington, D.C.: Postmaster of the House of Representatives, 1861), p. 25; House Resolution 502, remarks in the House, *Congressional Record*, vol. 45, pt. 4, March 19, 1910, pp. 3429–3436.

[15] DeAlva Stanwood Alexander. *History and Procedure of the House of Representatives* (Boston: Houghton Mifflin Co., 1916), p. 182.

[16] Ibid.

[17] Robert Luce, *Legislative Procedure* (Boston: Houghton Mifflin Co., 1922), p. 478.

(1) The Speaker was to preside over the House, preserve decorum and order, put questions, decide all points of order, announce the results of votes, and vote in all cases of ballot by the House. Committees of three or fewer members were to be appointed by the Speaker, while larger ones were to be chosen by ballot.[18]

(2) Members could not introduce bills or speak more than twice to the same question without leave of the House. They were required to vote if present, unless excused, and barred from voting if not present or if they had a direct personal interest in the outcome. Any fifteen Members (including the Speaker) could compel the attendance of absent Members.

(3) A committee was to be appointed to prepare every bill which would receive three readings, and all bills were to be dispatched in the order of their introduction. No bill could be read twice on the same day without special order of the House. Upon the second reading of a bill, the Speaker was to state that it was ready for commitment or engrossment.

If engrossed, the House was required to appoint a day when it would be read a third time. If committed, then the question was whether to a select committee or to a Committee of the Whole House. After commitment, and a report, bills could then be recommitted at any time before passage. But no bill amended by the Senate could be committed.

(4) The principal form for considering and perfecting legislation was to be the Committee of the Whole House. When sitting in Committee of the Whole House, a Member other than the Speaker would be appointed to preside. Bills were to be read twice, debated by clauses, and subjected to amendment.[19]

Six days later, on April 13th, the Committee submitted eight additional rules for consideration. The five rules adopted immediately by the House:

(1) Permitted Members to excuse themselves from serving on a committee if they were already sitting on two other committees.

(2) Allowed Members to absent themselves from the proceedings of the House only if they had been given leave or were ill.

(3) Provided that upon order of the House, a Member who was absent without excuse could be taken into custody.

(4) Created a standing Committee on Elections.

(5) Stipulated that the Clerk of the House take an oath of Office.[20]

The three rules recommitted to the Rules Committee for further consideration were once again reported and agreed to without amendment the following day. These additional items outlined the duties of the Sergeant-at-Arms.[21]

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[18] On January 13, 1790, the House ordered that a portion of this rule be rescinded, and it authorized the Speaker to appoint all committees, regardless of size. Ibid., January 13, 1790, p. 140. Because balloting for select committees of four or more Members had become a nuisance and the locus of decisionmaking was in the Committee of the Whole, not the committees, Members were "entirely willing to relinquish [to the Speaker] the power of electing the larger committees." Richard Everett Damon, *The Standing Rules of the House of Representatives* (Unpublished Ph.D. diss., Columbia University, 1971), p. 140.

[19] *Journal of the House of Representatives*, 1st Congress, 1st Session, April 7, 1789, pp. 8–10.

[20] Ibid., April 13, 1789, p. 13.

[21] Ibid., April 14, 1789, p. 14.

With these rules, a modest but indelible foundation had been laid. Even now, almost two hundred years later, the original rule headings approved in 1789 are still found in *Rules of the House of Representatives.* Furthermore, some eighteen clauses traced their origins to the original Rules Committee reports.

Having accomplished its initial mission, the Rules Committee faded into history.[22] During the next quarter of a century, the resolutions creating Committees on Rules varied little. Broad grants of authority were provided the committees. Indeed, they held blank checks, but they rarely cashed them. This was hardly surprising in an era when committees "were seen as agencies for establishing facts which could not as conveniently or adequately be established by members on their own initiative" and not as independent bases of power.[23]

## *Early Evolution: 1791–1813*

For several years, the rules of one Congress were sufficient for the next. When the 2nd Congress convened on October 24, 1791, one of the first actions the House took was to authorize a committee "to prepare and report such standing rules and orders of proceeding as [might] be proper." [24] Two days later, the House resolved to adopt, for the immediate future, the "rules and orders of proceeding" of the previous Congress.[25] Then, beginning in 1797, the newly convened House automatically adopted the rules of the previous Congress prior to authorizing the creation of a Rules Committee.[26] Only twice during this period, in 1794 and again in 1812, did a Rules Committee advance rules changes of consequence.

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[22] Two other committees were created during the first session of the 1st Congress to deal with specific aspects of the rules, but neither one apparently was a newly constituted Rules Committee. The first, a committee of five (four of whom were members of the Rules Committee) was given a mandate to prepare rules "to govern the two Houses in cases of conference." Ibid., April 9, 1789, pp. 11–12. The second, chaired by Mr. Boudinot of the Rules Committee, was created to prepare "joint rules to be established between the two Houses, for the enrollment, attestation, publication, and preservation of the acts of Congress." Ibid., May 18, 1789, pp. 37–38.

[23] Cooper, *The Origins of the Standing Committees*, p. 31.

[24] *Journal of the House of Representatives*, 2nd Congress, 1st Session, October 24, 1791, p. 435.

[25] Ibid., October 26, 1791, p. 439.

[26] In the 5th Congress (1797–1799) and the 7th–9th Congresses (1801–1807), a Rules Committee was authorized immediately after the rules were adopted. During the 10th and 12th Congresses (1807–1809, 1811–1813) several days passed before a Committee was appointed, and in the 11th Congress (1809–1811) more than six months intervened between the time the House adopted the rules of the previous Congress and the time it authorized a Rules Committee. A Rules Committee never was created in the 6th Congress (1799–1801). Between 1813 and 1837, the rules of the previous Congress were adopted on either the first or second day of the first session of each Congress on the condition that they would be in force "until revised or altered." During the ensuing twenty years (1837–1857), the House continued the practice of adopting the rules of the previous Congress, but modified the practice on eight of ten occasions to include in the resolution of adoption the authorization for a Committee on Rules as well. After 1857, the adoption of the rules of the previous Congress and the creation of a Rules Committee frequently became (as they were before) two separate actions. The custom of readopting the rules first adopted in 1789, supplemented by Jefferson's *Parliamentary Practice*, left little to a Committee on Rules. For many years it never [even] made a report, according to DeAlva Stanwood Alexander, *History and Procedure of the House*, p. 182.

Although the Rules Committee created in the 3rd Congress (1793–1795) made only one report,[27] the detailed proposals contained in that document ultimately prompted several major revisions. Under the new provisions finally adopted by the House in November 1794, Members were required to give a day's notice before offering a motion to rescind the standing rules—a technique intended to thwart majorities, or even concerted minorities, from altering the rules to their advantage.

Other important revisions provided special treatment for consideration of revenue and appropriation measures, further defined the relationship between the House and its committees and the Speaker, required that the Speaker sign all acts of Congress, and prohibited committees from sitting without special leave while the House was in session.[28] In addition, attention was given to prescribing the order in which business would be conducted to the elimination of inefficiencies, to the accomplishment of certain housekeeping tasks, and to how the work of conference committees might best be completed.

Quite different concerns confronted the House of Representatives when it reevaluated its rules more than a decade later. By the opening of the 12th Congress on Monday November 4, 1811, the House of Representatives had more than doubled in size in its twenty-two year existence, and the need to introduce greater efficiency into its proceedings was urgent. An important function of the Rules Committee in this process was its special role in assessing or passing judgment on proposals to modify the rules of the House. As a consequence, the recommended revisions of the rules proposed by the Committee dealt primarily with parliamentary procedure, regulating the behavior of the Members in the deliberative process.[29]

The two most important results of the revisions recommended by the Rules Committee and agreed to by the House during the 12th Congress established the House's first formal daily order of business and the admissibility of a variety of motions. Henceforth, questions concerning the order of business would not be resolved by a simple majority, as they had been since 1803. Instead, the *Journal* would be read first, and the Speaker would then call for petitions from the States and territories. Next there would be reports, first from the Standing Committees, and then from the Select Committees, followed by the orders of the day (which were reports not acted upon and assigned to a later date for consideration).

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[27] *Journal of the House of Representatives*, 3rd Congress, 2nd Session, November 13, 1794, pp. 227–231.

[28] In 1893 the Rules Committee was exempted from this last rule and allowed to sit while the House was in session

[29] A complete discussion of these rules changes is found in *Rules and Orders, Annals of Congress*, 12th Congress, 1st Session, vol. 23, December 23, 1811, pp. 570–581.

With the adoption of these revisions, the House lost a degree of flexibility but was able to eliminate a source of considerable friction. In agreeing to permit such delaying motions as to lay on the table, to postpone indefinitely, and to postpone to a day certain, the House also made it easier to eliminate potential conflicts by removing the source of conflicts from consideration. In effect, these motions, the first two in particular, allowed Members to kill proposed legislation without ever having to vote.

A fourth motion, the motion to reconsider (which has been in use since 1802), was revised by requiring that it be made within two days after a final vote had been taken. A fifth motion—the motion to strike out and insert—was determined to be indivisible. This latter motion in addition to eliminating a delaying tactic also "resolved a recurrent and technical procedural question."[30]

Three other significant rules revisions adopted in 1811 helped to expedite House business by: (1) prohibiting Members from speaking more than once without leave on appeals to the House, (2) specifying that a Member "confines himself to one question under debate," and (3) increasing the number of Members required to demand the previous question from five to one-fifth of those present.[31]

## Period of Sporadic Interest: 1813–1837

Not until 1822 did the House feel a need to revise its rules again. Two of the four Congresses that met during the eleven-year interim between the revisions of 1811 and 1822—the 15th and 16th—did not even bother to create a Rules Committee. In the 13th, the decision to create a Rules Committee was little more than an afterthought,[32] and the report of the 14th Congress proved so unacceptable that its chairman moved to have the Committee of the Whole discharged from considering it.[33]

Conversely, the Rules Committee in 1822 was able to report fourteen amendments, all but three of which were agreed to without amendment (and these were modified only modestly by the House). As was the case in the rules revisions adopted in 1811, most of the changes concerned parliamentary procedure.[34]

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[30] Damon, *The Standing Rules of the House of Representatives,* p. 146.

[31] According to Richard Everett Damon, the "Rules Committee . . . wished to reduce the use of motion, which at the time provoked considerable controversy, and by raising the second it rendered frivolous use of the previous question more difficult." Ibid., p. 197.

[32] During the 13th Congress (1813–1815), a motion was made providing for seats for stenographers in the House, in accord with the standing rules, and the motion was followed by another, which was agreed to by the House, directing that the resolution be referred to a committee to "inquire into the expediency of revising and amending the rules." *Journal of the House of Representatives,* 13th Congress, 1st session, June 3, 1813, p. 19.

[33] On January 4, 1816, Rules Committee Chairman Richard Stanford of North Carolina moved to have the Committee of the Whole discharged from further consideration of committee's report, and it was recommitted. *Journal of the House of Representatives,* 14th Congress, 1st session, January 4, 1816, p. 124. Five days later, the Rules Committee issued a new report that was committed to the Committee of the Whole. Ibid, January 4, 1816, p. 141. The Committee of the Whole began consideration of the second report soon thereafter but failed to complete action on it, and in April was discharged from considering it further, and the Rules Committee's recommendations were postponed indefinitely. Ibid., April 22, 1816, p. 696.

To counter obstructionist tactics, the motion to postpone indefinitely was modified to make it the least privileged motion to take precedence over the main question. Members were prohibited from making more than one motion to postpone to a day certain, to commit, or to postpone indefinitely "on the same day, and at the same stage of the bill or proposition."[35]

Adjournment prior to 4:00 p.m. was prohibited under the new rules if business was pending before the House. Another technique used to check obstruction was to prohibit debate on the motion to table and on motions or propositions on subjects that were not germane to the proposal under debate.

To expedite legislative business, the House in 1822 also agreed to require that the motion to suspend the rules be supported by at least two-thirds of the Members present. Only in those cases when such a majority favored it could the House set aside its rules temporarily to transact business.[36] With the approval of another amendment, which gave a motion to strike out the enacting clause precedence over a motion to amend, the House created a expeditious means for shutting off debate and automatically killing a measure.

The effect of two other changes countered the trend that had been developing of restricting the rights of individual Members. These permitted Members who had been ruled out of order to continue if no one objected, and standing committees "leave to report by bill or otherwise."[37]

With the completion of these revisions, a Rules Committee was not to be created again until the 20th Congress convened in December 1827.[38] Even when Committees were created during the next decade, they were generally inactive. Nevertheless, rules changes were intermittently agreed to. Most of the changes that were put into effect resulted from resolutions introduced by individual Members.[39]

Four such proposals stand out. In 1828, the House agreed to amend further the two-thirds majority required for suspension of the rules to include proposals for altering the order of business and securing immediate consideration of legislation.[40] This rule provided the House with "a means of getting consideration for bills which could not get forwarded under rules for the order of business."[41]

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[34] *Journal of the House of Representatives*, 17th Congress, 1st session, March 13, 1822, pp. 350–351.

[35] Ibid., pp. 350.

[36] Ibid., p. 351. Although the House in earlier Congresses had introduced limitations on motions to suspend the rules (such as requiring in 1811 that a day's notice be given before the motion was offered), it was not until 1822 that the House agreed to require that the motion to suspend be supported by at least a two-thirds vote.

[37] Ibid., p. 350.

[38] The Rules Committee of the 17th Congress was in fact the only one to function between 1817 and 1827.

[39] Between 1813 and 1837 individual Members offered 134 resolutions to amend the rules, and of this number 38 were agreed to, 22 were defeated, and 74 were tabled or postponed.

Nearly as important a revision of the rules (because it reflected the need for greater order) was the establishment some eight years earlier of calendars for use in the Committee of the Whole—calendars for private Senate bills favorably reported, private House bills reported, public bills, Senate bills unfavorably reported, and reports favorable to petitions.[42]

The House also agreed in the 1820's to set aside every Friday and Saturday for preferential consideration of private bills and private business (unless decided otherwise by a majority),[43] and briefly amended its rules to set aside the second Thursday of each month to consider District of Columbia business.[44]

As important as these intermittent rules changes were, however, the rules revisions of 1822 stand out as the most important between 1811 and 1837. As one scholar has observed, the specifications of procedures undertaken by the 17th Congress "marked the staking out of almost all the virgin territory in the rules; from that time on the task was to improve or replace those rules which were dysfunctional."[45]

## An Era of Increased Concern: 1837–1857

### *Rules Changes in the 25th Congress (1837–1839)*

Seeking to refine certain legislative procedures that had become increasingly troublesome, the Rules Committee in the 25th Congress gained approval for some 19 amendments to the House rules.[46] These revisions of 1837 proved to be the most comprehensive for the next two decades. Five of these changes are particularly important.

First, a new procedure for introducing legislation made it far easier for individual Members to participate in a process that heretofore had been largely the function of committees. Although Members already had the right to introduce legislation, motions granting them leave to do so frequently were debated at great length. This reform virtually eliminated "debate on the merits of a bill at the introductory stage." "While it did not amount to creation of an automatic process, it did expedite matters considerably."[47]

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[40] *Journal of the House of Representatives*, 21st Congress, 1st Session, April 24, 1828, p. 621.

[41] *Constitution—Jefferson's Manual and the Rules of the House of Representatives of the United States*, 97th Congress (Washington, D.C.: United States Government Printing Office, 1981), p. 588n. (96th Congress, 1st Session. House. Document No. 96-398)

[42] *Journal of the House of Representatives*, 16th Congress, 1st Session, March 25, 1820, p. 335.

[43] Ibid., 19th Congress, 1st Session, January 26, 1826, p. 197.

[44] Ibid., 21st Congress, 1st Session, April 2, 1830, p. 492. These latter two rules changes might well have been harbingers of the special calendar days provided for in the current rules.

[45] Damon, *The Standing Rules of the House of Representatives*, p. 160.

[46] *Journal of the House of Representatives*, 25th Congress, 1st Session, September 14, 1837, pp. 54–58; and September 15, 1837, pp. 58–65.

A second revision added greater order and predictability by requiring that the Speaker dispense with business at his desk in a specified order.[48] To check a dilatory tactic, a third amendment was enacted prohibiting incidental points of order that arose pending the motion for the previous question.[49]

Two other important rules changes approved in 1837 established the primacy of general appropriation bills over other bills of public nature and banned the consideration of appropriations for any expenditure not already authorized by law.[50]

## *The Fight To Rescind the Gag Rule*

During the ensuing two decades, the House normally combined in one resolution the adoption of the rules of the previous Congress and the establishment of a Rules Committee. In most instances, this action also imposed an implied deadline by which the Committee had to report.[51] Gaining approval for these resolutions, however, was seldom easy. Invariably, Members proposed exceptions to the rules of the previous Congress. But only rarely did such efforts prove successful.[52]

The most significant request for a change in the rules occurred in 1841, when John Quincy Adams sought to remove the "gag rule" which for more than five years had prohibited the consideration of antislavery petitions. On June 7, the House agreed to adopt temporarily all of the rules and orders of the previous Congress except one until such time as the newly appointed Rules Committee had made its report. In approving Adams' motion, the House rescinded Rule 21, which prohibited entertainment of any "petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any other State or Territory, or slave trade between the States or Territories of the United States in which it now exists." [53]

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[47] Damon, *The Standing Rules of the House of Representatives*, p. 163. For a discussion of the growth in referral of bills to Committees in the first three decades of the 19th Century, see Cooper, The Origins of the Standing Committees, pp. 46–56.

[48] Under the new rule, business would be considered in the following sequence: (1) Executive Commications; (2) messages from the Senate and amendments proposed by the Senate to House bills; (3) bills and resolutions from the Senate on their first and second reading; (4) engrossed bills and bills from the Senate on their third reading; and (5) bills of House and from the Senate on their engrossment or on being ordered to a third reading. *Journal of the House of Representatives*, 25th Congress, 1st Session, September 14, 1837, pp. 54–55.

[49] Ibid., p. 56.

[50] Ibid., p. 55.

[51] Usually the resolution stipulated that the rules of the previous Congress be adopted for only a specific period of time (for 10 days in two Congresses; for 14 days in another; for 19 in another; and for the remainder of the first session in another). This suggests that the Rules Committee and the House had to act in each of these Congresses before the specified date. In each instance, the committee met its deadline.

[52] On December 15, 1843, the House agreed to the rules of the previous Congress, with the exception of a rule permitting suspension of the rules to go into Committee of the Whole House on the State of the Union and discharging it from further consideration of a bill if all amendments offered were not disposed of. *Journal of the House of Representatives*, 28th Congress, 1st Session, December 15, 1843, pp. 52–53. Four years later, soon after the 30th Congress convened on December 6, 1847, the House agreed to strike a rule prohibiting Members from speaking for more than one hour. Ibid., 30th Congress, 1st Session, December 6, 1847, p. 14.

A day after Adams' resolution was adopted, six days of tedious debate ensued over a motion for the House to reconsider its decision. Finally, on June 14, the House reversed itself, and the gag rule was reinstated.[54]

It was a dark hour for Adams, but ultimately he would prevail. The end came remarkably fast and easily. Shortly after the second session of the 28th Congress convened in early December 1844, Adams moved once again to rescind the gag rule. This time his motion carried, 108 to 80. That evening as he reflected upon the victory, he was moved to write in his diary, "Blessed, forever, blessed, be the name of God!" [55] A week later, a "petition of the citizens of the city of New York, praying for the abolition of slavery in the District of Columbia," was received in the House and sent to the Committee for the District of Columbia.[56]

## *Authority of Rules Committee Begins to Broaden*

During this period between 1837 and 1857, the Rules Committee gradually gained greater recognition by the House, even though the average life of the eleven Select Committees that functioned in these two decades was only three and one-half months. Ironically, the Committee created by the 25th Congress (1837–1839), which was the shortest in duration, existed for only one month, yet produced the most comprehensive revisions of the era.[57]

By June 1841, the rules had become such a hodgepodge that the House, "in the hope of meeting a condition bordering on chaos," [58] included as part of the resolution creating the Rules Committee the authorization for it "to report at any time."[59] In the opinion of DeAlva Stanwood Alexander, this was the "first gleam" of the Committee's future role.[60] Early in July, Speaker John White bolstered the Committee's power further when he ruled that it could make "reports *in part* at different times, and by 'piece-meal.'" This decision was subsequently upheld by the House after an objector had appealed the ruling.[61]

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[53] *Journal of the House of Representatives*, 27th Congress, 1st Session, June 7, 1841, pp. 39–47.

[54] Ibid., June 8, 1841, p. 60; June 9, 1841, pp. 74–75; June 10, 1841, pp. 76–83; June 11, 1841, pp. 83–84; June 12, 1841, p. 91; June 14, 1841, pp. 122–128; and June 16, 1841, pp. 139–144. See also *Abolition Petitions, Remarks in the House, Congressional Globe*, vol. 10, June 8, 1841, p. 35; June 9, 1841, pp. 37–38; June 10, 1841, pp. 39–42; June 11, 1841, p. 43; June 12, 1841, p. 49; June 14, 1841, pp. 51–52, and June 16, 1841, pp. 57–63.

[55] Charles Francis Adams, ed. *Memories of John Quincy Adams*, 12 vols. (Philadelphia: J. B. Lippincott & Co., 1874–1877), vol. 12, p. 116. See also *Journal of the House of Representatives*, 28th Congress, 2nd Session, December 10, 1844, pp. 48–52.

[56] *Journal of the House of Representatives*, 28th Congress, 2nd Session December 10, 1844, pp. 48–52.

[57] It is not known precisely when Select Committees on Rules were dissolved in eight of the ten Congresses of this period. By identifying first the date a given Rules Committee was created and the date it is last mentioned in the House *Journal*, however, it is possible to estimate the approximate length of each. The two Committees organized during the 1st and 2nd sessions of the 30th Congress (1847–1849), the longest in duration, existed for some ten months.

[58] C. R. Atkinson and C. A. Beard, "The Syndication of the Speakership," *Political Science Quarterly* 26 (September 1911): 382.

## *Standing Committee Status: The 31st and 32nd Congresses (1849–1853)*

Despite brief moments of accomplishment during the next eight years,[62] the overall failure of Rules Committees to serve as meaningful instruments of reform was a source of considerable concern. Finally, a frustrated House on December 27, 1849, approved a proposal offered by Representative Linn Boyd of Kentucky to elevate the Rules Committee to standing committee status.[63] What resulted was more of the same. Although the Committee functioned for four years as a standing committee, it provided only two real legacies to the body of the standing rules. These changes, both of which were enacted in the first nine months, (1) provided opponents as well as proponents of proposed amendments five minutes to express their opinions, and (2) granted conference committees and the Committee on Ways and Means the privilege of reporting at any time.[64]

The Committee did not make a report to the 32nd Congress. Its status as a standing committee had passed from memory by the time the 33rd Congress convened on December 5, 1853. No one, not even Speaker Linn Boyd, who had fathered the committee four years earlier, even bothered to admonish Representative Lewis D. Campbell that there already was a provision for a standing Committee on Rules when he proposed a Rules Committee of five members.[65] What some

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[59] *Journal of the House of Representatives,* 31st Congress, 1st Session, June 16, 1841, p. 144.

[60] Alexander, *History and Procedure of the House of Representatives,* p. 191.

[61] *Journal of the House of Representatives,* 27st Congress, 1st Session, July 6, 1841, p. 204.

[62] Between 1841 and 1848, Rules Committees were successful in securing three major reforms which substantially reduced the authority of the Committee of the Whole. *Journal of the House of Representatives,* 27th Congress, 1st Session, July 6, 1841, p. 215; 28th Congress, 1st Session, February 24, 1844; and 30th Congress, 1st Session, July 27, 1848, pp. 1020–1122. The first of these three reforms was subsequently eliminated in 1843 and reinstated in 1844. Ibid., 28th Congress, 1st Session, December 15, 1843; and March 11, 1844. Three other highly significant rules changes initiated by Rules Committees imposed limitations on the speeches of individual Members and forbade the Speaker from entertaining motions to suspend the rules on any day except Monday. Ibid., 26th Congress, 1st Session, January 14, 1840, pp. 207–208; 27th Congress, 2nd Session, June 13, 1842, p. 952; and 30th Congress, 1st Session, December 18, 1847, p. 107.

[63] *Journal of the House of Representatives,* 31st Congress, 1st Session, December 27, 1849, pp. 76, 78.

[64] Ibid., August 13–14, 1850, pp. 1257, 1265, and September 21, 1850, pp. 54–58. The rule giving conference committees and the Ways and Means Committee the "right to report at any time" was rescinded and reinstalled several times before becoming a permanent rule in 1880

[65] Ibid., 33rd Congress, 1st Session, December 5, 1853, pp. 11–12.

Members did know was that there was considerable displeasure with the House rules as they stood at the moment. It was a subject which, Daniel Mace of Indiana felt, deserved "their earnest and undivided attention." [66]

Although Mace's rhetoric did not save the Committee's status as a standing committee, the House did broaden the authority of the select Rules Committee it created by permitting it "to report at any time," and assured that its report would "be acted upon by the House until disposed of, to the exclusion of other business."[67] Even with this advantage, few rule reforms were immediately instituted.

## Gradual Emergence of a Permanent Standing Committee: 1857–1880

By 1857, Committees on Rules had become so unproductive that the 35th Congress, which convened on Monday December 7, waited six months before creating a new committee.[68] Not since 1831 had the House waited so long to establish a Rules Committee.

### *Speaker Becomes Member of Committee*

When it finally was adopted, the resolution creating a new Rules Committee included a provision that marked a distinctive departure. For the first time in the history of the House, its presiding officer was made a member of one of its committees.[69] A year later, the Speaker was designated chairman of the Rules Committee.[70]

Why the Speaker was made a member of the Committee remains unclear. "The only inferences that can be drawn . . . are that the House felt that the Speaker's parliamentary experience would be valuable in the work of the committee and that such help was needed." [71] His assistance would be particularly valuable to the committee in responding to the mandate in the resolution to "digest and revise the rules of order, and to suggest alterations and amendments." These revisions were to be reported "at an early day in the next session."[72]

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[66] Daniel Mace, *Rules of the House, Remarks in the House, Congressional Globe*, vol. 28, pt. 1, December 5, 1853, p. 3.

[67] *Journal of the House of Representatives*, 31st Congress, 1st session, December 5, 1853, pp. 11–12. Rules Committees in the preceding three Congresses had made only two reports. Ironically, the lone amendment recommended in the first report authorized the Committee to print amendments to the rules it would propose. The second report was tabled.

[68] Contrary to the practice that had prevailed between 1837 and 1857, the resolution agreed to on the first day of the 35th Congress adopting the rules of the previous Congress did not incorporate the usual language authorizing a Rules Committee as well. Ibid., 35th Congress, 1st Session, December 7, 1857, pp. 10–11. Although a select committee dealing with the rules was formed ten days later, it was in no way comparable to prior Rules Committees. This Committee was given the responsibility of investigating and reporting on the "number of additional messengers and pages, and other officers, if any" who would be required for the new House chamber which had recently been completed, "what additional accommodations should be made for reporters," "what additional accommodations [were] required for the health and comfort of the members, and also what amendment, if any should be made to the 17th rule of the House." Ibid.,.December 17, 1857, p. 80.

[69] Ibid., June 14, 1858, p. 1141–1142.

[70] *Congressional Directory for the First Session of the Thirty-sixth Congress*, 2nd regular ed., (Washington, D.C.: Postmaster of the House of Representatives, 1861), p. 25

[71] Atkinson, *The Syndication of the Speakership*, p. 384.

Making the Speaker first a member, and then chairman of the Rules Committee, however, had little noticeable significance for the immediate future. The Committee was faithful to its mandate and reported early in the second session of the 35th Congress, the House promptly voted to recommit its proposal,[73] and the Committee was not heard from again for the remainder of the session.

Still, there were encouraging signs. Membership on Rules Committees was gradually becoming more stable, and senior Members of the House in ever increasing numbers were beginning to view it as an attractive Committee on which to serve.[74]

## *Rules Changes in the 1860's and 1870's*

With the formation of a new Rules Committee in the 36th Congress in February 1860,[75] things began to happen. Six weeks later, the Committee issued a report containing thirty-six amendments. Within hours, the House agreed to thirty-four of the proposals and amended the other two.[76] In addition, a motion had been approved to empower the assistant clerk of the House to "rearrange the rules . . . as amended, with a view to make the connection and subject of said rules correspond as nearly as practicable." [77]

As a result of its work, the Rules Committee of the 36th Congress "corrected contradictory provisions, combined several rules into one, and made others conform to the established practice." [78] It was also able to introduce two significant reforms which, it was hoped, would help the House to come to grips with minority dominance in its deliberations.

The first concerned the rule governing the previous question, a motion to cut off debate and proceed to an immediate vote on the question. Under the new rule, moving the previous question was allowed on amendments without closing off further debate or amendment of a bill. If the previous question was decided in the negative, the status of the main question remained unchanged.[79] The second revision expedited action on a bill stalled in the Committee of the Whole by permitting the enacting clause to be stricken, thus bringing the entire matter to the House for a vote. If the motion carried, the Committee had to report this action to the Committee of the Whole House. If it disagreed with this action, the bill had to be recommitted to the Committee.[80]

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[72] *Journal of the House of Representatives*, 35th Congress, 1st Session, June 14, 1858, p. 1141.

[73] *Journal of the House of Representatives*, 35th Congress, 2nd Session, December 20, 1858, p. 87.

[74] Fifty-seven percent of the Members who served on Rules Committees between 1837 and 1857 possessed higher-than-average seniority. From 1857 through 1880 this figure rose to eighty percent. These computations were derived by comparing the number of terms Rules Committee members had served and the average number of terms all the Members of each Congress served. Data on the average number of terms served by the entire membership in each Congress is found in Nelson W. Polsby, "Institutionalization of the U.S. House of Representatives," *American Political Science Review*, 62 (March 1968): 146.

[75] Journal of the House of Representatives, 36th Congress, 1st Session, February 1, 1860, p. 167.

[76] Ibid., March 16, 1860, pp. 527–533.

[77] Ibid., p. 533.

[78] Alexander, *History and Procedure of the House of Representatives*, p. 192.

Additional changes were recommended by Rules Committees for the next twenty years, but they were relatively minor. Although in most Congresses resolutions empowering the Committees to function authorized them to report at any time, only one Committee was provided with a special order. Most of the Committees focused on preparing reports on the ever increasing number of resolutions that were referred to them.

As time passed, it became increasingly apparent that the rules of the House needed to be revised yet again. The 36th Congress "had served its purpose well [in revising the rules], but no one in 1860 could anticipate that business would increase five-fold over in the next twenty years." [81] Between 1860 and 1880, the number of Members in the House increased from 237 to 293, and the number of bills introduced in that twenty-year period increased even more dramatically, from 400 to 7,000.[82] The number of rules grew from 147 in 1860 to 166 by 1880. With the increase in membership and legislation generated first by the Civil War and then by Reconstruction, it became clear by 1879 that it was time once again to reexamine the rules.

As this reexamination was taking place, Rules Committees themselves began to blossom suddenly early in the 1870's. Whereas, in the past, Members had felt free to propose rules changes directly from the floor, they now politely requested that their resolutions be reviewed by the Rules Committee. When Members did not follow this procedure, the leadership saw to it that such resolutions were referred to the Committee. It also became commonplace for Members of Rules Committees when presenting committee reports to begin by saying, "I rise to make a privileged report."

Rules Committees also began to assume investigative powers as well. Early in 1870, Representative Henry L. Dawes of Massachusetts moved to have the Committee "inquire and report" on whether a Member had violated the rules of the House by gaining approval to have a written speech printed in the *Congressional Globe,* as if it had been delivered in the House. In defending his proposal, Dawes characterized the Rules Committee as "a high toned committee, its members selected because of their familiarity with the rules of the House." [83] Four months later, another resolution sought to have the Committee determine the feasibility of a time-saving invention that would "record and count the votes of the House on any questions and make out several copies in less time than one minute."[84]

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[79] *Amendment of the Rules, Remarks in the House, Congressional Globe*, vol. 29, pt. 2, March 16, 1860, p. 1209.

[80] Alexander, *History and Procedure of the House of Representatives*, p. 192–193.

[81] Ibid., p. 193.

[82] Ibid., p. 217.

Subsequently, in 1876, the investigative power of the Committee was expanded to include ethics. The first case stemmed from concern over whether the journal clerk of the House, Charles H. Smith, had used information derived from his position to realize a profit.[85]

With a precedent now set, a second ethics case was submitted to the scrutiny of the Committee. This investigation focused on two allegations against the Doorkeeper of the House, Lafayette H. Fitzhugh.[86] In both the Fitzhugh and Smith cases, the Committee recommended that the House officers resign.

## *Formation of a Permanent Standing Committee in 1880*

Late in June 1879, near the end of the first session of the 46th Congress, a Committee on Rules was formed "for the purpose of revising, codifying, and simplifying the rules of the House."[87] Following several months of work between the first and second sessions, the Committee stressed in its report of December 19 that there was an "urgent" need for "a thorough revision of rules of the House." A complete revision and codification of the rules "was not only a parliamentary, but a practical business necessity" because of the tremendous changes that had taken place in the House over the years.[88]

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[83] Henry L. Dawes, *Question on Privilege, Remarks in the House, Congressional Globe,* vol. 91, February 22, 1870, p. 1481.

[84] *Springler's Voting Apparatus Remarks in the House, Congressional Globe,* vol. 95, July 6, 1870, pp. 5249–5251.

[85] On April 15, 1876, Representative George F. Hoar of Massachusetts recommended that the Rules Committee conduct the inquiry because it was "a committee of the most distinguished members of the House, and being charged with all subjects which relate to the regulation of its proceedings and the general directions which it shall give either to its members or officers in their official conduct." George F. Hoar, *Journal Clerk of the House, Remarks in the House, Congressional Record,* vol. 4, pt. 3, April 15, 1876, p. 2481. The Committee's verdict, delivered on April 20, issued no judgment and made no accusations regarding Charles Smith's motives or intent to violate the law or take pecuniary advantage of his office. It did find him guilty of indiscretion and bad judgment and suggested his resignation. Smith subsequently followed the Committee's suggestion. Charles H. Smith. *Remarks in the House.* Ibid., April 20, 1876, p. 2655.

[86] In the first instance, it was charged that Fitzhugh, while still a private citizen, had conspired to commit arson to collect fire insurance. The second resulted from a letter Fitzhugh had written to a friend while he was Doorkeeper, in which he promised a government job to one of the friend's relatives. He also spoke of the position he had secured for his own son and boasted of the privileges he enjoyed and the Representatives he knew as intimates. *Doorkeeper of the House, Remarks in the House, Congressional Record,* vol. 4, pt. 4, May 13, 1876, pp. 3065–3073. The Committee's report of May 22 did not cover the arson charges, which were considered to be unfounded and of which Fitzhugh had been acquitted. The letter, however, was viewed as indicating "a disregard for a principle of civil service frequently commented upon of late," and "betrays a giddiness which betokens a character unsuited to the serious and responsible position, which a Doorkeeper should possess." It was the judgment that the "office of Doorkeeper be vacated of its present incumbent" and that his duties be "consolidated with the office of Sergeant-at-Arms until otherwise ordered." *Doorkeeper of the House, Remarks in the House,* Ibid., May 22, 1876, p. 3252.

[87] *Journal of the House of Representatives,* 46th Congress, 1st Session, June 25, 1879, p. 562.

Neither "political nor partisan considerations," the Committee explained, had "entered into or disturbed its deliberations, or once divided the committee in respect to a single item or paragraph." Its principal objective was "to secure accuracy in business, economy of time, order, uniformity and impartiality, and to prepare if possible a simple, concise, and non-partisan code of rules." The Committee saw its report as a document "which should neither surrender the right of a majority to control and dispose of the business for which it is held responsible, or, on the other hand, to invade and restrict the powers of a minority to check temporarily, if not permanently, the action of a majority believed to be improper or unconstitutional."[89] To accomplish this end, the Committee retained twelve rules in their entirety, dropped thirty-two that had become obsolete or unnecessary, and condensed one hundred and twenty-two into thirty-two, making a total of forty-four.[90]

The House unanimously adopted the Committee's report later in the day on December 19. It agreed to begin consideration of the proposed revisions on January 6, 1880, and "from day to day thereafter until disposed of, to the exclusion of all other business."[91] The House debated the proposed new code on a regular basis for the first two months of 1880 and finally on March 2, 1880, adopted it as the general revision of 1880.[92]

It was an achievement that subsequently would be hailed as brilliant.[93] Among the most important revisions were those concerning appropriations [94] and the House's preeminent role in shaping such legislation.[95] Three other revisions dealing with suspension of the

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[88] U.S. Congress, House, Committee on Rules, *Rules of the House*, House Report No. 24, 46th Congress, 2nd Session, (Washington, D.C.: U.S. Government Printing Office 1880), p. 1.

[89] Ibid., p. 2.

[90] Ibid., p. 27.

[91] *Journal of the House of Representatives*, 46th Congress, 2nd Session, December 19, 1879, p. 139.

[92] *Revision of Rules, Remarks in the House, Congressional Record*, vol. 40, March 2, 1880 (46th Congress, 2nd Session) pp. 1254–1267.

[93] George B. Galloway, *History of the House of Representatives* (New York: Thomas Y. Crowell Co., 1961), p. 53.

[94] In 1865, the Committee on Ways and Means and the Committee on Appropriations were granted the privilege of reporting bills at any time for commitment to the Committee of the Whole. In 1879, the Committee on Commerce was granted the same privilege with respect to rivers and harbors appropriations. The 1880 revision expanded these privileges by giving precedence to revenue, general appropriations, and rivers and harbors appropriations measures in Committee of the Whole, thereby eliminating a provision contained in an old rule that such bills be given precedence only at the discretion of the Committee.

[95] Under the 1880 revision "Senate amendments to House bills were to be subject to the point of order that they should first be considered in the Committee of the Whole, if originating in the House, they would be subject to that point. This secured for all legislation the principle that money matters be discussed in Committee of the Whole. More important, this reaffirmed the power of the House in regard to the Senate where money matters are concerned, and thus bears on the constitutional relations between the two chambers. . . . The rule insured that the Senate would be put in its constitutional place—a lowly one in matters involving appropriations and reve-

Continued

rules,[96] the previous question,[97] and calendars were drafted to ensure greater efficiency.[98] In addition to these major reforms, the new code:

(1) gave conference reports preference over other reports;
(2) recognized the longstanding practice of pair voting;
(3) eliminated the requirement that the Speaker be elected by voice vote;
(4) perfected procedures concerning amendments;
(5) dropped the penalty for unauthorized absences;
(6) provided that bills on the Private Calendar be called up in order;
(7) enumerated the jurisdictions of each of the forty-eight standing committees; and
(8) gave the Speaker unqualified authority to appoint standing select committees, and authority to appoint standing committees "unless otherwise specifically ordered by the House." [99]

Prominent among the forty-two standing committees created under the new code was a Committee on Rules that was given jurisdiction over "all proposed action touching on the rules and joint rules." [100] Its immediate predecessor had succeeded well in its mission of securing "accuracy in business, economy in time, order, conformity, and impartiality." [101]

## Summary

The Committee on Rules was the first select committee to be formed in 1789 and one of the last to be elevated to standing committee status in 1880. This lengthy transformation was not always an easy one, but it left an indelible mark. During those first ninety-one years the House instituted, under the guidance of the various Rules Committees, all of the basic rules or their precursors by which it conducts business today. Each revision, particularly those in 1811, 1822,

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nue measures. In addition to any actual effect of the rule on procedure, its passage was a unilateral declaration by the House of its suzerainty in the appropriations field." Damon, *The Standing Rules of the United States House of Representatives*, pp. 250–251.

[96] The House in 1874 amended the rule requiring that motions to suspend the rules had to be seconded by majority vote, if demanded, before being considered. In 1880, the House readopted this rule and made an additional change limiting suspension of the rules to the first and third Mondays of each month. *Revision of Rules, Remarks in the House, Congressional Record*, vol. 41, February 27, 1880 (46th Congress, 2nd Session) pp. 1195–1196.

[97] The amendment of the rule concerning the previous question promoted greater efficiency by eliminating the requirement that the previous question be seconded and by allowing it to be used on a whole series of motions at once. *Journal of the House of Rebresentatives*, 46th Congress, 1st Session, March 2, 1880, pp. 657, 1546.

[98] Three calendars were introduced—the House Calendar (for public bills not raising revenue or appropriating money), the Union Calendar (for public bills appropriating money), and the Private Calendar (for private bills). All measures reported from a committee had to be placed on one of these three calendars. *Journal of House of Representatives*, 46th Congress, 2nd Session, March 2, 1880, pp. 657, 1544.

[99] The 1880 House rules are found in Ibid., pp. 1537–1554.

[100] Ibid., p. 1543.

[101] U.S., Congress, House, Committee on Rules, *Rules of the House*, House Report No. 24, 46th Congress, 2nd Session (Washington, D.C.: U.S. Government Printing Office, 1880), p. 2.

1837, 1860, and 1880, reflected both the growth of the House's membership and the increasing complexity of the issues it faced.

Rules Committees performed a critical function for the House: they provided the mechanism that allowed it to respond to both internal institutional changes and external changes in the broader political and social environment. The rules changes they proposed brought to the forefront the conflict between the two fundamental democratic principles—majority rule and minority rights.

The minority, through delaying and obstructionist tactics, frequently was able to dominate and shape the course of action taken by the House in its first ninety-one years. As the rules changed, however, many of the tactics of the minority were stripped away and replaced by rules favoring the majority. These were the first but by no means the last instances when a Committee on Rules would be confronted with effecting the balance between these two principles. Within a relatively short time, the struggle was to be rekindled.

In the immediate aftermath of the rules revisions of 1880, some viewed the process as being complete. A former Speaker told Lord Bryce in the 1880's that "he thought the rules, taken all in all, as near perfection as any rules could be." [102] That view was not as incorrect as some might assume. The fact that most of those reforms have endured to this day attests to their durability. At the very least, these revisions appeared appropriate for their time just as the earlier revisions had for theirs.

They represent an important step in what Nelson W. Polsby has described as the institutionalization of the House of Representatives.[103] By making the Committee on Rules a standing committee and giving it jurisdiction over the rules, the House also recognized the prospect for continuing changes in the political and social environment, changes that would necessitate further adjustments.

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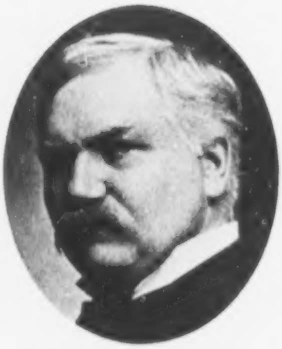
[102] James Bryce, *The American Commonwealth*, 2 vols. (London: Macmillan and Co., 1891), vol. 1, p. 132.

[103] Nelson W. Polsby, "The Institutionalization of the U.S. House of Representatives," *American Political Science Review*, 62 (March 1968): 144–168.

# Speakers of the U.S. House of Representatives Who Have Served on the House Committee on Rules

Samuel J. Randall



David B. Henderson

Thomas B. Reed

J. Warren Keifer

Charles F. Crisp

John G. Carlisle

During the course of its history, eleven Speakers of the House of Representatives have served on the Committee on Rules. Prior to 1910, the Speaker of the House was chairman of the Rules Committee. The above shown Speakers were chairman of the Committee and served simultaneously during their tenure of office: Samuel J. Randall (D., Pa.) 1879–1881; J. Warren Keifer (R., Ohio) 1881–1883; John G. Carlisle (D., Ky.) 1883–1889; Thomas B. Reed (R., Me.) 1889–1891, 1895–1899; Charles F. Crisp (D., Ga.) 1891–1895; David B. Henderson (R., Iowa) 1899–1903.

Joseph G. Cannon

Joseph W. Martin, Jr.

Thomas P. O'Neill, Jr.

James Beauchamp "Champ" Clark

William B. Bankhead

The above Speakers served on the Committee on Rules prior to their tenure as Speaker. Joseph G. Cannon (R., Ill.) was the last Speaker to sit as Chairman of the Rules Committee while he held the office of Speaker (1903–1910). He also served on the Committee from 1887–1891 and in 1895 but not as Chairman or Speaker. William B. Bankhead (D., Ala.) served on the Committee from 1923–1934, the last year as Chairman. James Beauchamp Clark (D., Mo.) served on the Committee from 1909–1911. Joseph W. Martin, Jr. (R., Mass.) served on the Committee from 1928–1938. Thomas P. O'Neill, Jr. (D., Mass.) served on the Committee from 1955–1972. Clark, Martin and O'Neill were neither Chairmen nor Speaker during their service on the Committee.

# CHAPTER II

## The Speaker's Committee: 1880–1910

### Introduction

The period from 1880 to 1910 was one of the most fascinating in the history of the House of Representatives. During this era the House reached the pinnacle of its power relative to other institutions of American national government. Although badly divided at the beginning and end of the era, political parties in the 1890's came as close as American congressional parties have ever come to a "party government" model. Until the beginning of the decade, the Democrats had remained split over economic issues involving the coinage of silver and the tariff, and after the turn of the century "insurgent" Republicans feuded over governmental reforms and control of the party. But in the 1890's both congressional parties were extremely cohesive units.

Surprisingly though, it was a period of extreme contrasts in the House. Until after the 1896 election, neither the Democrats nor the Republicans dominated the national government of the House. In the eight Congresses between 1881 and 1896 (the 47th–54th), the Democrats were the House majority in five and the Republicans in three; party control switched four times. And if the Democrats enjoyed a slight edge in the House, it was offset by very narrow Republican Senate majorities during most of the period. From 1897 to 1910, following the realigning election of 1896, however, Republicans remained in continuous control not only of the House but of the Senate and Presidency as well.

There were equally strong contrasts in the organization of the House. Despite the 1880 rules reforms at the start of the era, the House remained in chaos: the minority party possessed the means to obstruct majority rule, and the House leadership often appeared helpless in coping with an ever growing legislative calendar. In the mid-1890's, however, a series of strong Speakers—Thomas B. Reed, Charles F. Crisp, and Joseph G. Cannon centralized power in the House and succeeded in thwarting the forces of obstructionism. By the end of the era, reaction to abuses on the Speaker's authority led to the great revolt against Cannonism and a movement toward decentralization of House organization.

In the process of establishing orderly legislative procedures for the House and centralizing authority in the hands of the Speaker, the Committee on Rules was the primary vehicle. At the start of the 61st Congress in 1909 the Rules Committee was described as an "irresistible empire" for controlling legislation and carrying out the will of the majority party.[1] Yet at the end of the period, when the House chose to strip the Speakership of many powers, it altered the size and composition of the Rules Committee but left its basic functions intact.

Ironically when the Committee on Rules was made a standing committee of the House as part of the 1880 rules reforms, the change in its status received little attention. Other reforms were viewed as more important. In the three decades that followed, the committee developed into a crucial mechanism in the operation of the House, the scheduling of business and the exercise of control by the majority party's leadership—especially the Speaker. And throughout the period it would be at the center of controversy. But in 1880, the change in the committee's status attracted little debate.

The reasons why the Rules Committee was made a standing committee clearly foreshadowed its potential power. First, the Select Committee recognized the growing complexity of legislation and the need for further division of labor and specialization. It also realized that House rules had to change to keep pace with the growing responsibilities of a "modern" House. At least implicitly, the Select Committee knew that the House would soon require a procedure to regulate the ever increasing flow of legislation to the House floor, a reform which this reorganization might bring about. Although it specifically addressed this issue in its recommendations, a standing Rules Committee would serve this purpose.

Second, the Select Committee's concerns with the organizational needs of the House pointed to an important future role for the Rules Committee. Clearly, some group of Members would be organized to consider suggested changes, as well as to propose them, on a continuing basis. Only in this way could the House adjust to the demands the changing American social and political environment might make upon it.

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[1] M. P. Follett, *The Speaker of the House of Representatives* (1902; reprint ed.; New York: Lenox Hill, 1974), pp. 188–189.

Third, one could conclude that a standing Committee on Rules might well become a stage for House leaders. The Select Committee's recommendations that Rules become a standing committee aroused little discussion because of the high degree of experience and ability reflected in the composition of the Select Commmittee.[2] The skillful management of its report on the House floor and the esteem in which its Members were held by their colleagues also attested the Select Committee's competence.[3] Its members were House leaders. One could expect the standing committee to have a similar membership. In sum, the Members of the Select Committee created a lasting vehicle of influence for themselves and for House leaders who would follow.

## Appropriations "Riders" and the "Disappearing Quorum"

Despite the major rules revisions of 1880, the new standing Committee on Rules was not faced with an empty agenda. Two ongoing issues—the matter of "riders" on appropriation bills and the use of the "disappearing quorum" as a dilatory tactic—had been left unresolved by the select Committee. Its Members, as influential as they were, realized the limits of their power. They knew that attempting to settle these divisive issues within the context of the 1880 rules revisions might endanger the entire reform package. To better understand the Select Committee's decision to delay action on appropriations "riders" and the "disappearing quorum" and the issues that confronted the new standing committee, some background on these two controversies is useful.

The question of riders on appropriation bills stemmed from the creation of a standing Committee on Appropriations in 1865. The Committee soon became powerful through its ability to revise budget estimates and propose spending levels for a wide range of Federal activities. A subsequent amendment to the rules aggravated the situation by providing that, under certain circumstances, an appropriation bill could embody changes in existing law. Although the subject of bitter debate on the centralization of power in the House, the Appropriations Committee's authority was untouched by the Rules Committee's report, prompting one Member to declare, "[t]here has been a gradual concentration of power in the hands of the Committee on

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[2] The Select Committee on Rules consisted of Democrats Samuel J. Randall, of Pennsylvania, Speaker of House; Alexander H. Stephens of Georgia; and Joseph C. S. Blackburn of Kentucky. The Republicans were James A. Garfield of Ohio, William P. Frye of Maine, and Omar D. Conger of Michigan.

[3] Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon* (Unpublished Ph.D. diss. New York: Columbia University, 1911), p. 33.

Appropriations and it has grown to such an extent that the whole House is ready to rebel against it.[4]

The issue was of particular concern to two Congressmen, Republicans Thomas B. Reed of Maine and James A. Garfield of Ohio, during the 1880 rules revisions. Reed, an extraordinary politician who, as Speaker ten years later, would throw the House into turmoil by declaring a virtual one man reform of the rules, had argued against the Appropriations Committee's power in the preceding Congress. "The result [of allowing the committee to graft legislation on appropriation bills] is this," Reed had declared: "the country gets a great deal of crude legislation and the Committee on Appropriations gets badly overworked." [5] At the time Garfield was the Republican Minority Leader. In the course of one year, 1880, Garfield would serve in the House be elected to the Senate (but not take his seat), and finally be elected President. He had long argued that a change in rules, was necessary to "strip the Committee on Appropriations of the power supposed to be given it under the 21st rule to legislate on appropriation bills, leave it only the work of recommending appropriations strictly according to law, and let the other committees of this House have the sole right of proposing for the action of the House such legislation as they deem necessary." [6]

Furthermore, to Reed, it was "unsafe to have a system of legislation which is founded upon loading down appropriation bills. Whether it is done upon pretense of economy or upon a pretense of appropriating for the proper needs of the Government, it is equally wrong." [7] The debate on this question during the 1880 rules revision ended on March 2, when Garfield realized that the Democrats, the majority in the House, acting under strict party discipline, would oppose his proposal. Unwilling to jeopardize the reforms that already had been made, he abandoned further opposition.

The matter of the "disappearing quorum" was the second significant issue the rules revision left untouched. By taking advantage of this technique, the minority party could obstruct the operation of the House in certain situations. And when the opportunity arose, the minority party—be it Democratic or Republican—did not refrain from exercising this option. The "disappearing quorum" was made possible by a Constitutional provision requiring that the House may not trans-act business without the presence of a quorum of its Members, defined as half the Members plus one. Yet by itself the majority party could not always produce a quorum. In the nineteenth century, many House Members had other occupational responsibilities in their districts, and transportation to and from Washington was slow and difficult. Under these conditions a sizable absenteeism was not uncommon. Thus, in a narrowly divided House with some majority party Members missing, the minority could effectively prevent passage of a measure, even though the measure was supported overwhelmingly by the majority, by simply refusing to vote. A majority of those voting may have voted for the bill, but a majority of the House had not voted. Typically, the minority would appear for quorum calls, then, simply by not voting, would "disappear" when the vote was taken on passage. A point of order then would be made that a quorum was not "present and voting," and a quorum call automatically would be required to summon the absent Members.

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[4] William A. Robinson, *Thomas B. Reed* (New York: Dodd, Mead & Co., 1930), pp. 70–71.
[5] Ibid., pp. 71–72.
[6] *Congressional Record,* vol. 10 (46th Congress, 2nd Session), February 3, 1880, p. 689.
[7] Ibid.

The basis for the "disappearing quorum" tactic was first established in 1832, and, interestingly, the credit or responsibility for it belongs to a first-term, though not politically inexperienced, House Member named John Quincy Adams. The former president, who won a House seat in the 1830 election, refused to vote on a pending bill although he was in violation of House rules. Adams obstinancy, for which he was formally censured, set the precedent upon which the "disappearing quorum" rested.

Under the proper circumstances, the tactic proved both effective and frustrating. In a single day in 1850, 31 roll call votes were taken on a measure to admit California to the Union. On another occasion, in 1854, 101 roll call votes were held in the course of a day.[8] During debate on a major bill in 1875, Speaker James Blaine (R-Maine) refused to recognize a quorum, although it was apparent to all the Members who were present. So frustrated was the majority at one point that it made a motion to bring one of the stubborn minority to the bar of the House to show cause for disobedience of the rules and contempt for authority.[9]

In 1873, Blaine, at that time the Minority Leader, had set the theme that would later be recalled and repeated, for opposing an end to the "disappearing quorum." Blaine declared, "[T]here can be no record like the call of the yeas and nays; and from that there is no appeal. The moment you clothe your Speaker with power to go behind your roll call and assume that there is a quorum in the hall, why, gentlemen, you stand on the brink of a volcano."[10]

On January 28, 1880, an amendment to the rules was offered on the floor to allow the Speaker to judge whether or not a quorum actually was present, under certain circumstances, thus effectively eliminating the troublesome vanishing quorum. Fear that a future Speaker might abuse such a rule, and the cumbersome mechanism the amendment presaged, moved the House to general opposition. Speaking against the amendment, Garfield reiterated Blaine's position:

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[8] Neil MacNeil. *Forge of Democracy* (New York: Van Rees Press, 1963), p. 50.

[9] Follett, *The Speaker of the House of Representatives*, pp. 188–189.

[10] *Congressional Record*, vol. 10 (46th Congress, 2nd Session), March 20, 1880, p. 1734.

> Who shall control the Speaker's seeing? How do we know that he may not, for his own purposes, see forty members more than there are here? What protection have the gentlemen when he says he sees a quorum, if he can convert that seeing into a list of names on the call of yea and nay vote? This would let in the one-man power in a far more dangerous way than has ever occurred before.[11]

The disputed amendment to the Rules Committee's resolution was withdrawn the next day, January 29, and House approval of the rules revision was forthcoming on March 2, 1880.[12]

Establishing the permanence of the Rules Committee by elevating it to standing committee status was perhaps of less importance than the prestige brought to the Committee by Speaker Samuel J. Randall (D-Pa.), who, like those to follow him, sought to use the Committee's authority to increase the influence of the Speakership.[13] Randall engineered the rules revision and then ruled that all propositions to make future changes in the rules be referred to the Committee,[14] and that the Committee might report at any time on matters relating to the rules. This decision enabled the Committee to bring its reports to the floor at any time. "A natural and ideal leader," [15] Randall served as Speaker and chairman of the Rules Committee until 1881 when Republicans gained control of the House. In 1883, the Democrats were again in the majority, but Randall did not regain the Speakership. Because of his protectionist position on tariff issues, Randall was replaced by Speaker John G. Carlisle (D-Ky.). However, he continued to serve on the Rules Committee until his death in 1890.

The creation of a permanent committee provided the Speaker—who served on the Rules Committee and appointed its other members as well as members of all other committees—with an institutional device to control legislation and buffer criticism of the power of the Speakership. The relationship between the Speaker and the Committee, intensified by the 1880 rules revision, was made evident by an exchange between a Member and Speaker Randall in 1879. The Member complained that a matter referred to the Rules Committee would die there because "they never report." Randall replied, "The Chair thinks they will; they will report if he has any influence with the committee." [16]

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[11] Robinson, *Thomas B. Reed*, p. 68

[12] *Congressional Record*, vol. 10 (46th Congress, 2nd Session), March 2, 1880, p. 1266.

[13] Alexander, *History and Procedures of the House of Representatives*, p. 196. See also, Follett, *The Speaker of the House of Representatives*, pp. 110–121.

[14] *Congressional Record*, vol. 10 (46 Congress, 2nd Session), February 9, 1880, p. 768. See also, Alexander, *History and Procedures of the House of Representatives, p. 196.*

[15] John M. Carson in *Twenty Years in the Press Gallery* by O. O. Stealey. (New York: Publishers Printing Co., 1906), p. 400.

[16] *Congressional Record*, vol. 9 (46th Congress, 2nd Session), April 8, 1879, p. 304. See also, Follett, *The Speaker of the House of Representatives*, p. 278.

The 1880 rules revision clarified and organized House rules and received bipartisan support. True, the Select Committee left unresolved the issues of the vanishing quorum and the constraints on the power of the Appropriations Committee, but it did provide a future Speaker the platform from which he could initiate changes in these provisions—the standing Committee on Rules.

## The Rules Committee Ascendant: 1881-1890

The Rules Committee's rise to prominence was signaled by a major offensive in 1882 against dilatory motions. The vehicle was a disputed election case, and the prime mover was Thomas B. Reed, then in his third term in the House. Reed had been appointed to the Rules Committee on January 9, 1882, following the resignation of Godlove S. Orth (R-Ind.). Orth, who had been a candidate for Speaker, was dissatisfied with the committee assignment given him by Speaker J. Warren Keifer (R-Ohio).[17] Although the Rules Committee's importance had been increased, "its potentialities were not yet fully appreciated," at least by Orth.[18] The same could not be said of Reed.

Acting for the Republican majority, Reed presented reports from the Rules Committee on March 1 and 8, 1882, proposing amendments to Rule XXIV. These amendments would have enabled the House by majority vote to secure prompt consideration of business; regardless of its place on the calendars. This first effort by the Rules Committee to assert its jurisdiction in proposing changes in House rules did not meet with immediate success. The House took no action on this controversial proposal because the majority was insufficient to offset obstruction. Reed realized that he would have to wait for a disputed election case (when Members of both parties would need to be present) to ensure getting a quorum.[19] For such an opportunity, Reed waited until May 20, 1882, when the House took up the South Carolina election case of *Mackey* v. *O'Connor.*[20] The Democratic minority, realizing that the Republican candidate undoubtedly would be seated, began to filibuster. For seven days, the Democrats successfully stalled the issue on the House floor through a series of motions to adjourn. On May 27, Reed gained recognition to submit a privileged motion from the Rules Committee. This time he proposed an amendment to paragraph 8 of Rule XVI, which would put an end to all obstructive and dilatory motions and would force a vote on the matter under consideration.[21] When former Speaker Randall, now Minority Leader, moved to adjourn, Reed raised a point of order that such motions were "mere dilatory motions, and therefore, as against the right of the House to consider a proposition to amend the rules, not in order."[22]

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[17] Keifer had been selected as the Republican caucus nominee on the 16th ballot. Robinson, *Thomas B. Reed,* p. 85.

[18] Ibid., p. 82.

[19] Robinson, *Thomas B. Reed,* p. 85.

[20] Robinson indicates that the context was *Mackey* v. *Dibble.* But according to the *Guide of U.S. Elections,* (Washington, D.C.: Congressional Quarterly, 1975, p. 644), Mackey's opponent was O'Connor in the 1880 contested election.

Under the Constitution, Reed pointed out the House enjoys the power of judging the "elections, returns, and qualifications of its own members". Since the House rules were infringing upon this constitutional right, the House had the right to change the rules. If the House chose not to change the rules, then the Speaker had the right to overrule dilatory motions. Reed's arguments previewed a twentieth century view of the Speakership:

> Whenever it is imposed upon the Congress to accomplish a certain work, it is the duty of the Speaker, who represents the House, and who in his official capacity, is the embodiment of the House, to carry out that rule of law or of the Constitution. It then becomes his duty to see that no factious opposition prevents the House from doing its duty. He must brush away all unlawful combinations to misuse the rules and must hold the House strictly to its work.[23]

Although the Democratic opposition argued strenuously that the parliamentary rules formed the only safeguard by which the minority could protect itself, Speaker Keifer, Chairman of the Rules Committee, upheld fellow Rules Committee Member Reed on the point of order, and the Committee's resolution was adopted as it applied to dilatory tactics on election cases.

Keifer's decision was an important personal victory for Reed and more importantly, an institutional victory for the Rules Committee. DeAlva Stanwood Alexander, (R-N.Y.), who served as a Member of the House from 1897 to 1910 and later became a noted congressional scholar, observed: "[Speaker Keifer's decision] enabled the Committee on Rules to have its reports promptly adopted, and from that hour Reed became the real leader of his party. Ever after, so long as he remained in Congress, his voice gave the word command."[24] The ruling also highlighted what would continue to be a major issue throughout the history of the Committee on Rules,—preventing majority rule from being obstructed while not infringing minority rights.

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[21] Reed's amendment reads as follows: "pending a motion to suspend the rules, or on any question of consideration which may arise on a case involving the constitutional right to a seat, and pending the motion for the previous question, or after it shall have been ordered on any case, the Speaker may entertain one motion to adjourn; but after the result thereon is announced he shall not entertain any other motion till the vote is taken on the pending question; and pending the consideration of such case only a motion to adjourn or to take a recess (but not both in succession) shall be in order, and such motions shall not be repeated without further intervening consideration of the case for at least one hour." *Congressional Record*, vol. 13 (47th Congress, 1st Session) May 27, 1882 p. 4278.

[22] Robinson, *Thomas B. Reed*, p. 87.

[23] *Congressional Record*, vol. 13, (47th Congress, 1st Session), May 29, 1882, p. 4306.

[24] Alexander, *History and Procedure of the House of Representatives*, p. 202.

In the 2nd Session of the 47th Congress, Reed and his Rules Committee colleagues again fought to give further leverage to what they perceived to be an obstructed majority. The question this time involved, not an election case, but a bill raising tariffs. Congress was drawing to a close. A House bill with Senate amendments had rested on the Speaker's table for several weeks because the Republicans, lacking a two-thirds majority, could not suspend the rules and send it to conference. As concern heightened and tempers grew short, Reed and his committee presented a report providing that it be in order at any time during the remainder of the session to suspend the rules by a *majority* vote, take the bill from the Speaker's table, declare a disagreement, and ask for a conference. Reed, a protectionist who favored the bill in question, understood that if his report was adopted then the final form of the bill would be dependent on the conferees, and, with protectionists controlling both Houses, the measure would certainly pass.

Reed's proposal was roundly denounced on procedural grounds by some Members of his own party as well as the Democrats. The measure was declared "revolutionary," a "fraud," and "a monstrous proposition." Reed, himself, acknowledged that "unless there was a great emergency, I should not be in favor of its passage." [25] Thirty-two Republicans deserted Reed, and for a time it appeared the House might defeat the measure. On February 26, 1883, a vote on the measure showed 120 yeas, 20 nays, and 151 not voting; the "disappearing quorum" might yet constrain Reed. But the next morning the report was adopted by a vote of 129 yeas, 22 nays, and 140 not voting. The tariff bill was rushed through both Houses and signed by President Chester A. Arthur on March 3, 1882.[26]

Reed had scored another triumph and further consolidated the power of the Rules Committee. His biographer, William A. Robinson, has noted: ". . . whatever may be thought of the contents of the measure, regarded strictly as a matter of party strategy and parliamentary tactics, its passage was one of most daring maneuvers of Reed's entire career, or for that matter, in the history of Congress." [27] DeAlva Stanwood Alexander later noted the significance of the issue "[t]he Committee on Rules, after the adoption of this procedure began to fill the public eye. Like Pandora's box it seemed to conceal surprising possibilities." [28]

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[25] Alexander, *History and Procedures of the House of Representatives*, p. 203.

[26] *Congressional Record*, vol. 13 (47th Congress, 2nd Session), April 26, 1882, p. 3335. The tariff conference of 1883 and the role of the Rules Committee are discussed more fully in *The Congressional Conference Committee* by Ada C. McCown (New York: Columbia University Press, 1927) pp. 104–123.

[27] Robinson, *Thomas B. Reed*, p. 96.

[28] Alexander, *History and Procedures of the House of Representatives*, p. 204.

When the 48th Congress convened in 1883, the Democrats once again controlled the House, and Speaker John G. Carlisle of Kentucky appointed the chairman of the Ways and Means and Appropriations Committees to serve on the Rules Committee as well. Thus, the Speaker consolidated his own power in a single unit that could control the floor of the House, hold the purse-strings and distribute favors and tariffs and tax benefits. Moreover, this action further signaled the importance of the Rules Committee. Until the enlargement of the Committee in 1910, Rules Members were almost always among the leaders of their respective parties in the House and held positions on key legislative committees.

But Carlisle, a believer in the rights of the legislative minority, was more cautious in eliminating dilatory motions and adopting special orders by majority vote than was Keifer, his predecessor. Carlisle did not use the Rules Committee aggressively. At the start of the 48th Congress, the Rules Committee moved to adopt the rules of the 46th Congress, thereby bypassing the innovations of the 47th Congress particularly the onerous amendment to Rule XVI that prohibited filibustering in election cases. With the large Democratic majority in the 48th (197 Democrats, 118 Republicans, and 10 of other parties), perhaps Carlisle could afford to be generous in his treatment of the minority.

Carlisle remained Speaker as long as the Democrats controlled the House, through the 50th Congress (1897–1899). Regarded as a judicious, thoughtful and generally conservative Speaker, he nonetheless boosted the prestige of the Rules Committee by continuing the procedure of adopting special orders from the Committee by majority vote, and, in the 49th Congress, by extending the Committee's jurisdiction to the order of business.[29] It was from the Rules Committee's authority to report special orders, resolutions setting the time and method of considering a particular bill on the floor, and to require only a majority vote for their adoption that much of the Committee's influence was to grow. However, the Rules Committee rarely used this power, to report special orders which it had originally exercised on the tariff bill in the 47th Congress, 2nd Session, during the three Congresses in which Carlisle was Speaker. Asher Hinds notes: "In 1887 it was still regarded as a proceeding of doubtful validity." [30] Most legislation continued to reach the House floor according to its position on the legislative calendars.

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[29] This claim is made by Alexander, *History and Procedures of the House of Representatives*, p. 205. But an examination of the rules of the 49th Congress and the floor debate on their adoption does not indicate any change in the jurisdiction of the Committee. It is entirely possible that the additional jurisdiction was given to the Rules Committee but not formalized in the House rules.

[30] Asher Hinds, *Precedents of the House of Representatives*, vol. 4, p. 192. 5 volumes, 1907, Washington, D.C., U.S. Government Printing Office.

In addition, Carlisle's reluctance to dispose of dilatory motions and the disappearing quorum resulted in increased use of the filibuster and contributed greatly to the general unproductiveness of the 48th, 49th, and 50th Congresses.[31] The art of filibustering in the late nineteenth century is well illustrated by one occasion in April 1888, when the House remained in session for eight calendar days and nights debating a tax bill. Eight Congressmen filibustered the measure through repeated motions to adjourn and recess as well as through other dilatory tactics. Before the bill finally died, a commentator noted, the reading clerks "became so exhausted with the one hundred roll calls that strong-lunged, athletic Members of the House were drafted for this service. . . ."[32]

From his seat in the Rules Committee, Reed continued to lead the efforts to reform the rules. In 1884, he introduced amendments to the rules that would have allowed the House to conduct its business under suspension of the rules by a two-thirds vote. He recommended a "morning hour," with a minimum length of sixty minutes, so committees could report on legislation that otherwise would languish far down on the calendar. He proposed the elimination of certain technicalities so the House could more easily resolve itself into the Committee of the Whole.

Reed's advocacy of these rules changes, all of which assisted the majority party in the conduct of House business, may seem odd since he belonged to the minority party. But they demonstrate the keys to Reed's success as a House leader—his commitment to principle, his ability to understand long-term implications of changes rather than just their short-term payoffs, and his unequaled political skill and determination. It cannot be denied that Reed believed strongly in the principles of majority rule and felt that the minority could obstruct too easily the workings of the House. By favoring reform of the rules to strengthen the majority party's control when he was a Member of the minority, Reed established credibility for his position when the Republicans regained majority status as one not merely advocating positions to assist his own party. Yet, knowing that the Democrats were not likely to adopt his recommendations, Reed could continue to push for these changes without fear of strengthening the Democrats' control of the House. Reed knew that once Republicans became the majority party again he would be Speaker, and his proposals, if adopted, would significantly increase the power of the majority party's leader, the Speaker. And if, by chance, Reed's proposals could be adopted before he reached the Speakership, Reed might find himself with a freer hand in exercising them than would be the case if the changes were made only after he was elected Speaker.

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[31] Alexander, *History and Procedures of the House of Representatives*, p. 205. See also, Robinson, *Thomas B. Reed*, pp. 105–123; Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, pp. 35–37. New York City, 1911, Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in the faculty of Political Science, Columbia University, pp. 35–37.

[32] Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 36.

Thus, when Reed's proposals failed in the 48th Congress, he did not give up. He reintroduced them at the start of the 49th Congress in 1885, and they were defeated again. In addition, Reed undertook efforts to constrain the power of the Appropriations Committee and its chairman, former Speaker Samuel J. Randall. Many important bills far down on the calendars, could only reach the House floor under suspension of the rules; (in which case they required a two-thirds vote for passage) or in privileged reports from committees such as Appropriations, Rules, or Ways and Means, whose legislation did not have to wait its turn on the House or Private Calendars. Normally this meant that the Appropriations Committee, by attaching legislation on these calendars to appropriations bills, had substantial control over what legislation reached the floor. In the 49th Congress, the Rules Committee succeeded in limiting the power of the Appropriations Committee by proposing successfully that certain other major committees be allowed to report appropriation bills within their jurisdictions directly to the House. The committee also recommended a second "morning hour" for consideration of bills placed on the calendars by committee reports. Although the plan was adopted, it proved inadequate to break up the logjam of legislation that made the 50th Congress, with the Democrats' slim margin of control in the House, very close to the "nadir of ineffectiveness." [33]

Well aware that the Republicans would be the majority party in the 51st Congress, Reed persisted in his efforts to alter House procedures, even during the lame duck session of the 50th. On January 3, 1889, Reed reported a resolution from the Committee on Rules to dispense for the remainder of the Congress with "the call of the States and Territories," a tactic often used by those desiring to filibuster. However, the House recommitted the resolution to the Rules Committee.[34] During the debate on his resolution, Reed again propounded his majoritarian view of House rules:

> The rules of this House are not for the purpose of protecting the rights of the minority, but to promote the orderly conduct of the business of the House. They can have no other object. It is because in their application they have been perverted from the purpose for which such rules are intended that we have this great trouble today.[35]

By the close of the 50th Congress in 1889, the public had become increasingly frustrated at congressional inaction. A newspaper account that observed: "[T]he system of rules is the prime cause of the wonderful inertia of this unwieldy and self-shackled body. . . . In stalling legislation and keeping everybody else from doing anything a few Members are all powerful, but when it comes to passing laws little can be done except by what is practically unanimous consent."[36]

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[33] Robinson, *Thomas B. Reed*, p. 182.

[34] Ibid., p. 187.

[35] Ibid., p. 188.

The tariff issue had posed particular problems. President Cleveland's modest tariff reduction bill had passed the House. But the Republican Senate substituted a highly protectionist piece of legislation that House Democrats subsequently were forced to bury. The tariff was the leading issue in the 1888 election. And it enabled Republicans to win the office of the Presidency and majorities in both Houses.

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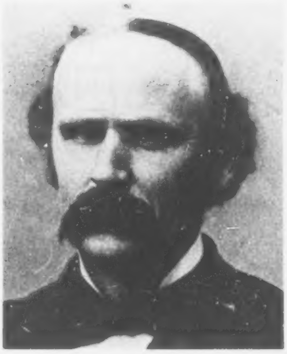
[36] Ibid.

# Ranking Minority Members of the Committee (1880–1910)

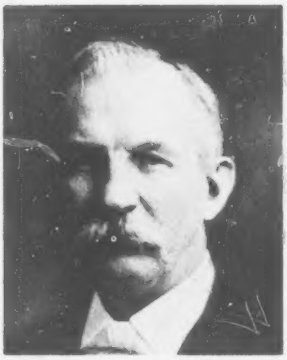
William P. Frye

James H. Blount

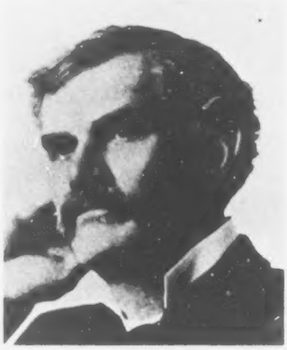


Benton McMillin

Joseph W. Bailey



James D. Richardson



John S. Williams

The following members served as ranking minority members of the Committee on Rules between 1880 and 1910: William P. Frye (R., Me.) 1880–1881; James H. Blount (D., Ga.) 1890–1891; Benton McMillin (D., Tenn.) 1896–1897; Joseph W. Bailey (D., Tex.) 1897–1899; James D. Richardson (D., Tenn.) 1899–1903; and John S. Williams (D., Miss.) 1903–1909. (Ranking Minority Members who also served as Speaker at some time during this period are pictured with the Speakers at the beginning of Chapter II.)

With the convening of the 51st Congress in December 1889, the Republicans returned to power, and the time seemed favorable for change. Legislative business had come to a virtual standstill, the public was increasingly upset about this inactivity, and the Rules Committee had accrued sufficient power in the last ten years to become a significant factor in the proposed reform of the House rules. Likewise, the power of the Speaker had been enhanced. With the ascendance of Reed to the Speakership, all these elements reached critical mass. But with a Republican margin of only seven seats in the House, achieving a significant change in the rules would not be easy, especially if the Democrats resorted to the "disappearing quorum" tactic.

## The Battle of the Disappearing Quorum and the Reed Rules

The call for a drastic change in the rules in the 51st Congress was sounded by Massachusetts Republican Congressman Henry Cabot Lodge in September 1889:

> The American House of Representatives today is a complete travesty upon representative government, upon popular government, and upon government by the majority. The purpose of the rules . . . is merely to facilitate the transaction of public business, but they have become so perverted that they serve only to stop public business, and when they are attacked we are met by a cry about the "rights of the minority!" The "rights of the minority" have been so well protected in the House that the rights of the majority have disappeared. . . . In the House of Representatives . . . the minority simply reduce the majority to their own impotent condition, and the upshot is that nobody governs and nothing is done. . . . It seems almost incredible that men should be found in the United States to defend a system like this, for the government of the United States proceeds, if on nothing else, on the theory that the majority ought to govern.[37]

The Democrats, now in the minority, adamantly opposed sweeping changes in the rules. One leading Member remarked that it would be "the first overt act of hostility and oppression" for the Republicans to "attempt to revise the rules of the last House, and impose on the minority an arbitrary and tyrannical code." [38]

The Rules Committee at the start of the 51st Congress consisted of the following men: Speaker Reed; William McKinley from Ohio, who, like Reed, entered Congress in 1877 and whom Reed also appointed as Chairman of Ways and Means; and "Uncle Joe" Cannon from Illinois who was serving his ninth term and whom Reed also placed on Appropriations.[39]

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[37] Henry Cabot Lodge, "The Coming Congress," in *The North American Review*, Vol. 149, no. 3, (September 1889): p. 293.

[38] Robinson, *Thomas B. Reed*, p. 194.

[39] McKinley was to go on to serve as Governor of Ohio and in 1896 was elected President. He was assassinated in office in 1901. Cannon would later rise to the Speakership in 1903 only to have

Continued

Former Speakers Randall and Carlisle served on the minority, though Randall was in poor health and seldom participated in the events that were to follow.[40] Thus, the Rules Committee continued to be composed of leaders from both parties in the House.

Through the Christmas holidays and into January 1890, rumors persisted that Reed planned to introduce a proposal that when a roll call disclosed the absence of a quorum, the officers of the House would be authorized to bring enough delinquents to the bar to aggregate a quorum, and that their presence would then constitute a record that a quorum was present.[41]

The Rules Committee discussed the constitutionality of counting a quorum in this way, and Reed was convinced of the necessity and of his right to introduce a procedure for doing so. McKinley and Cannon agreed with Reed that the filibuster must be destroyed and made preparations to meet the issue, though no specific date was set.[42] Hence, it was the Republican Rules Members led by Speaker Reed who set the strategy. They merely had to wait for the appropriate opportunity to make their stand. They did not have to wait long.

On January 29, 1890, the House, operating under "general parliamentary law" before the formal adoption of its rules, took up an election case. As in 1882, an election case provided the opening Reed and his Republican Rules colleagues needed. Compared to other matters, attendance would be high. Moreover, it would be a party line issue, and thus Reed could expect solid Republican support on it and on procedural questions relating to it. On a division vote regarding consideration of the matter, the Speaker announced that there were 136 yeas and 124 nays; a quorum was 179. A subsequent roll call vote, however, tallied 161 yeas and 3 nays; the Democrats had remained silent in order to break the quorum. Without warning, Speaker Reed then directed the clerks to "record the names of Members present and refusing to vote," and Reed began to call the names of those he observed.[43] Suddenly, the House was in an uproar. Cannon, years later, recalled the scene vividly:

> [William] Breckenridge of Kentucky, a giant in frame and with a voice of thunder, rushed down to the area and shouted, "I deny the power of Speaker, and denounce it as revolutionary."

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his powers reduced in the insurgent revolt of 1910. Defeated at the polls in 1912, Cannon was reelected two years later and served until 1923.

[40] Randall died on April 13, 1890, and was replaced on the Rules Committee by James H. Blount (D-Ga.). Carlisle resigned from the House to take a seat in the Senate in June 1890 and was replaced by Roger Mills (Texas). Mills, who had been a Member of the Committee in the 50th Congress, resigned the assignment the day after he replaced Carlisle, and Benton McMillin (D-Tenn.) filled the vacancy.

[41] Robinson, *Thomas B. Reed*, p. 202.

[42] Joseph G. Cannon, "Dramatic Scenes in My Career in Congress; When Reed Counted a Quorum," *Harper's Magazine*, vol. CXL, no. 838, (March 1920): 435-436.

[43] *Congressional Record*, vol. 21 (51st Congress, 1st Session), January 29, 1890, p. 949.

> The whole Democratic side followed Breckenridge into the well, where they greeted his defiance with loud shouts of approval. For some minutes there was pandemonium with a hundred men in front of the Speaker's desk shaking their fists at the man in the chair and drowning one another's voice in their defiance. . . . I have seen attempts at lynching where men were not more brutal in expression.[44]

Over continuous Democratic objections, Reed finished naming the Members who were present. He then delivered the rationale for his decision citing several precedents in State legislatures; he noted the provisions in the Constitution establishing that the House may set rules for compelling the attendance of its Members. That provision, Reed argued, would be worthless if Members, when actually present, could refuse to be counted as a quorum. The Constitution provided only for the attendance of the Members to establish a quorum; if more than such attendance was required, Reed continued, the Constitution would have provided for it. Therefore, "[T]he Chair rules that there is a quorum present within the meaning of the Constitution." [45]

Reed's Republican Rules colleagues, Cannon and McKinley, defended him from attacks by Carlisle and Charles F. Crisp, of Georgia, the Democratic leader. Cannon, in particular, noted the essence of Reed's decision: ". . . a majority under the Constitution is entitled to legislate and . . . if a contrary practice has grown up, such practice is unrepublican, undemocratic, against sound public policy, and contrary to the Constitution. . . . If the minority is to rule, the Republic has ceased to exist and in its place is aristocracy.[46]

The House adjourned late in the day on January 29, 1890, without reaching a decision on the numerous points of order made against Reed's action. After adjournment, Reed met with Cannon and McKinley, to plan tactics for the following days. Reed told them that he would allow debate to go on as long as the Democrats wanted to talk. He would "give the Democrats all the rope they wanted, as the more they had the more they would get themselves entangled." [47] Whenever it was necessary to disclose the presence of a quorum Reed would do so, no matter how long it took.[48]

The debate on Reed's counting of the quorum lasted three, mostly disorderly, days. The Democrats sought to obstruct the proceedings, and Reed counted the quorum. Finally, it became apparent that Reed would continue to hold the chair and refuse to either adjourn or change his mind. The initial excitement ebbed; the Democrats gave way; the House settled the contested election case and then turned to the adoption of formal rules for the 51st Congress.

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[44] Cannon, "Dramatic Scenes in My Career in Congress; When Reed Counted a Quorum," p. 436.

[45] *Congressional Record*, vol. 21 (51st Congress, 1st Session), January 29, 1890, p. 951.

[46] Ibid., p. 958.

[47] L. White Busbey, *Uncle Joe Cannon* (New York: Henry Holt & Co., 1927), p. 180. Busbey, Cannon's long-time private secretary, assembled much of the material for this autobiography.

[48] Ibid.

The rules, almost exclusively Reed's handiwork, codified his innovations of the last decade. In sum, the changes were designed to facilitate majority rule and to undercut minority obstructionism. The new code retained unaltered twenty-nine of the forty-seven rules in effect at the end of the 50th Congress. Four major components of House procedure were targeted by Reed: dilatory motions, the quorum, the Committee of the Whole, and the order of business. With respect to dilatory motions, the old rule, which stated that "a motion to fix the day to which the House shall adjourn, and to take a recess shall always be in order," was struck. As a safeguard against obstruction, a new clause was inserted: "No dilatory motion shall be entertained by the Speaker." [49]

Reed's procedure for counting the quorum was written into the rules. Henceforth, when a roll call failed to show the presence of a quorum, at the demand of any Member or at the Speaker's direction, the names of a sufficient number of Members present in the hall who did not vote would be noted by the clerk and counted towards a quorum. As a further check against obstruction, modifications were made governing the size and powers of the Committee of the Whole. The quorum was set at one hundred Members, and the Committee was empowered to close debate by majority vote on any part of a bill under consideration. Both Reed and Cannon expressed the belief that such changes would speed the transaction of business in the House.[50]

With respect to the order of business, the old rules were rewritten almost completely. The new rules provided that all bills, resolutions, and committee reports be filed with the clerk and that the Speaker refer all public bills to their respective committees. Members received the privilege of correcting their remarks in the Journal of the House. The rules also authorized the Speaker to dispose of business "on the Speaker's table" by referring bills, resolutions, and other matters to appropriate committees without debate. Thus, the House was able to either conclude legislation or send a matter to conference. Reed resurrected his plan for a "morning hour" that would enable the committees to report on matters not concerned with the appropriation of money.

Debate on the rules lasted only four days, a brief debate considering the many months prior Congresses had spent settling differences. The Democrat's objections centered on the quorum rule and the general aggrandizement of power in the Speakership. The brevity of the debate is perhaps an indication that the changes although not entirely welcome were timely and valuable. On February 14, 1890, the rules were adopted by a party-line vote of 161 to 144.[51]

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[49] For a detailed discussion of the Reed rules see Robinson, *Thomas B. Reed*, pp. 223-231.

[50] *Congressional Record*, vol. 21 (51st Congress, 1st Session), February 11, 1890, pp. 1210-1215.

The rules revision of 1880 was the forerunner to the rules reform ten years later; what was left undone, the 1890 revision specifically addressed. Pressured by a workload of increasing size and sophistication, frustrated by the ability of the minority to obstruct, and driven by the indomitable will of Thomas B. Reed, Congress drastically altered the parliamentary principle of a hundred years in a single decade. Crucial to the success of the 1890 rules reform had been the establishment of the Committee on Rules as a standing committee in 1880. It had provided Reed and his Republican colleagues the vehicle from which to operate. The Rules Committee was a benefactor as well as a leader in these efforts. It gained influence from its relationship to the Speakership and not just from its establishment as a permanent committee and its authority to report special orders. The next decade would see both the Speakership and the Rules Committee rise in tandem to almost full control of the course of legislation.

## Reaction Against the Reed Rules and Enhancement of the Powers of the Rules Committee: 1891–1894

During the four years following the 1890 rules revisions, the authority of the Committee on Rules, as an arm of the Speaker and the majority party, became accepted in the operation of the House. Eventually, Democrats, as well as Republicans, came to recognize and use the Rules Committee as the primary force for governing the House. And its influence over the order of business through the use of special orders became institutionalized.

After the rules fight in the 51st Congress, Reed, McKinley, and Cannon dominated the Rules Committee to the virtual exclusion of the Democratic members. Benton McMillin of Tennessee, who replaced Carlisle on the Committee when the former Speaker was elected to the Senate, recalled how Reed would inform the minority of Committee business:

> . . . the Speaker would send for me and say: "Well, Mac, Joe and McKinley and I have decided to perpetrate the following outrage, of which we all desire you to have due notice." Whereupon he would read and give me a copy of whatever special order had been adopted by the majority of the committee. He did the same with Blount [James H. Blount of Georgia replaced Randall when the latter died early in 1890], I believe, and he never tried to catch us napping; but I can assure you that the Committee on Rules was never a debating society in which Blount and I took part after the first explosion.[52]

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[51] *Congressional Record*, vol. 21 (51st Congress, 1st Session), February 14, 1890, p. 1347.

[52] Robinson, *Thomas B. Reed*, p. 238.

In the 50th Congress, Carlisle had supported a rules change giving to the Rules Committee control over the order of business, but that power was rarely exercised. With the start of Reed's tenure as Speaker and Chairman of the Rules Committee, the Committee began to exert strict control over major floor legislation through the use of special orders. For example, in June 1890, the Committee submitted a resolution providing for consideration of a major civil rights measure, the Federal Election Bill. The resolution limited the duration of debate and set a date and time when the previous question would be ordered, thus bringing the bill to a vote. The bill, previously agreed to in caucus, was carried through in this manner and passed, over the strenuous objections of the Democrats, especially the southerners. Similarly, a special order from the Rules Committee limited debate on silver purchase legislation and prevented a substitute amendment on free coinage of silver from being offered in the House. Despite splits in the Republican Party over the silver issue, and strong objection on the floor to this gag rule, the special order was adopted, 120-117. For the time, this was a novel and (to the minority) a disconcerting way of doing business.[53] But it was effective.

For their part, the Democrats sought ways to avoid a quorum under the new rules and so continue to frustrate the Republican majority. One tactic involved emptying the Democratic side of the floor, leaving only a few sentinels to keep a watch on the proceedings, and skirmish with the leadership. On one such occasion in the Fall of 1890, Speaker Reed ordered the doors locked to preserve a quorum. A Democrat C. Buckley Kilgore of Texas, forced his way off the floor by kicking out a door leading to the lobby. Thereafter, he was known as "Kicking Buck Kilgore" and was pointed out to visitors in the galleries. "Kicking Buck" served only four terms in the House, but the incident enshrined him among its legends.[54]

Republican control of the House was short-lived. The 51st Congress and President Harrison had produced a steady stream of legislation, but much of it simply passed government's largess to their friends. The Congress passed the McKinley Tariff Bill that raised the already high tariff scale even higher. The bill's purpose was not just to protect American industry but to eliminate foreign competition. The silver purchase bill was intended to placate Republican Congressmen from the West who had supported the tariff, but it did not stop the drop in silver prices because the government chose to redeem treasury notes in gold. In addition, the 51st Congress enacted a generous veterans' pension bill, a "lavish" rivers and harbors bill, a tax bill that returned monies to northern states paid during the Civil War, and placed high premiums on government bonds.

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[53] *Ibid.*, pp. 238, 243.

[54] Busbey, *Uncle Joe Cannon*, p. 183.

Appropriately, the 51st Congress became known as the Billion Dollar Congress. "Czar" Reed, as he became known, had removed the sources of House obstructionism thus allowing a Republican majority in Congress to act. But the Republicans had not acted wisely, at least in the eyes of voters in the 1890 election, most of whom did not benefit from these policies. The Democrats triumphed in a landslide, winning 231 House seats to 88 for the Republicans, and 14 for the Populists.

Despite their large majority, the Democrats had difficulty in selecting a Speaker to replace Reed. After a protracted fight, they finally elected Charles Frederick Crisp of Georgia, a Northern prisoner in the Civil War, who later rose through State politics to become a county solicitor, judge, and then Congressman. Crisp, a diligent and forceful Speaker, served two terms before he was chosen for the Senate in the Georgia primary of 1896; he died before taking office.[55]

Although his appointments to the Rules Committee were notable, Speaker Crisp ended the precedent of selecting the chairmen of the Appropriations and Ways and Means Committees. And although he did away with other Reed innovations, notably the quorum counting rule, he strengthened the Rules Committee by sponsoring rules changes permitting it to report at any time, to report without notice, and to direct the House to dispose of its report without the intervention of any motion except to adjourn.[56] As Alexander pointed out: "What Reed left to the Speaker, Crisp gave to his committee. One magnified the Chair, the other exalted Rules.[57]

The debate on the resolution authorizing the Rules Committee's new powers reflected some anxiety on the part of Members who felt the Committee would become too influential. Democrat Thomas Catchings of Mississippi, one of Crisp's new appointees to the Committee, sought to explain the Committee's action. He declared that the object of the rule was to "lodge somewhere the power which would enable the House, when a majority desired seriously to have a vote upon important business, to have that vote." [58] The power given the Committee probably would be seldom used, he noted: ". . . as Committees on Rules of previous Congresses have gone . . . in perhaps ninety-nine cases out of a hundred [the Committee] will content themselves with fixing a day for the consideration of a bill, leaving the House to dispose of the measures, when they come up in its own way." [59] But the House should have the right to vote the previous question, and the Rules Committee should provide and safeguard that right. A question was asked ". . . if this amendment should be adopted, does it not put it within the power of the Committee on Rules to absolutely control the House and what legislation shall be had and what shall not be had?" [60] "No," said Catchings. "The House need not adopt the Rules Committee's reports; and though, infrequently, certain legislation might be favored, it would be a far-fetched construction" to suggest that the Committee's power would inhibit consideration of business.[61]

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[55] E. W. Barrett, "Charles Frederick Crisp" in *Twenty Years in the Press Gallery* by O. O. Stealey (New York: Publishers Printing Co. 1906) pp. 261–265.

[56] *Journal of the House of Representatives* (53rd Congress, 1st Session), p. 91.

[57] Alexander, *History and Procedures of the House of Representatives*, p. 207.

[58] *Congressional Record*, vol. 23 (52nd Congress, 1st Session), January 26, 1982, p. 554.

Although he personally favored "preservation of the rules of the Fifty-first Congress," Reed realized that would be "an impossible task." [62] He was critical of the changes they made in the Speaker's powers of referral as well as the quorum rule. But Reed, still a proponent of majority rule, applauded the Democrats' decision to strengthen the Rules Committee—albeit in a somewhat sarcastic fashion:

> I hail every advance of the Democratic party with very great satisfaction, because I am a sincere believer in the doctrine that in order to have an army take a new march the rear guard must be got up. I do not say this in any reproachful fashion; I simply say that the conservative element of the country must be reasonably convinced of the propriety of one advance before it is safe for the community to take another. Therefore, the amendment which has been presented by this committee in regard to the power of the Committee on Rules as to the control of business in the House I had as a very great advance. I am glad to know that it has ceased to be "tyranny" for the committee to present bills for consideration of the House. . . .[63]

The problem, Read pointed out, was that the majority should have the same rights and privileges on all bills, not just those favored by the Rules Committee. The new authority might create a situation where the majority, without agreement of the Committee, could desire to act on a particular bill and yet be powerless to do so.[64]

The question of obtaining a quorum did not concern the 52nd Congress with its overwhelming Democratic majority; Crisp and the Democrats could easily drop the quorum counting rule, which they had criticized so severely, without any ill effects. But the 52nd Congress was not an entirely smooth one for the Democrats and the Rules Committee, especially when currency questions were before the House. In the 2nd Session, a bill that would have repealed the Silver Purchase Act was brought to the floor under a report from the Rules Committee. However, after the previous question on the report was ordered by a close vote, it was recommitted to the Rules Committee without instructions.[65] By the start of the 1st session of the 53rd Congress, in the summer of 1892 the Democratic majority had been cut considerably and, the Reed Rules adopted in the 51st Congress exerted a strong influence. The House voted to reduce the quorum in the Committee of the Whole to one hundred Members, as had been the rule in 1890. The power of the Rules Committee was further enhanced by giving it additional responsibilities with respect to reports brought forth from other committees.[66]

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[59] Ibid., p. 555.

[60] Ibid.

[61] Ibid.

[62] Ibid.

[63] Ibid., p. 556.

[64] Ibid.

In addition, the Rules Committee in recognition of its increasing workload, was given the right to sit while the House was in session, thus formalizing an existing practice of the Committee.[67]

Efforts to limit some of the committee's power resulted in proposals to increase the size of the Committee, to include among its Members all the chairmen of the other standing committees, and to provide each State with representation. None of these proposals was adopted.[68] Many of them were offered by members from western states unrepresented in the Rules Committee's membership. These westerners' perceptions of the Rules Committee's power were well expressed by Congressman John Pickler (R-S.C.) who observed:

> The Calendars are crowded, and no motion, no bill, no measure can be gotten before the House if the Committee on Rules is not willing that it should be brought forward. You gentlemen know well how one measure after another crowds upon the Calendar, and how from time to time gentlemen are found transversing this House with petitions to the Committee on Rules, asking that some measure or other be considered. It is interesting to note in this very House what power they have, and what additional power they are taking in this House. No one would deny that the rules brought in here at present give the Committee greater power than heretofore.
>
> No one will deny that the Committee on Rules absolutely governs the House. In other words, no measure that is reported can be considered, as it can readily be laid aside if they do not desire it considered, and there is no chance for any measure to pass with their objection.[69]

The Democrats' slimmer, yet still sizable, margin nevertheless provided the Republicans with the opportunity to demonstrate the need for the Reed Rules, especially the necessity for counting a quorum. In the past, Democrats had opposed the quorum counting rule on principle. But now principle and practicality collided. Without a large majority in the House, Democrats needed Reed's innovation. The 1st session of the 53rd Congress was scheduled to adjourn on November 3, 1893, as soon as a resolution was passed empowering the Ways and Means Committee to conduct business during the recess on a new tariff bill. The day before the scheduled adjournment the Republicans objected to the resolution and began to filibuster. As the hours of successive roll calls passed, Speaker Crisp and the Democrats tried desperately to collect a quorum—to the delight of the Republicans. Robinson recounts: "Members were brought in under arrest; the doors were locked; one member was led in from the barber shop with lather on his face and a towel around his neck . . . the Speaker beat the head off his gavel."[70] The Republicans finally gave way, but their small success of November led to a large-scale attack on the quorum when Congress reconvened in 1894.

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[65] Robinson, *Thomas B. Reed*, pp. 280-281.

[66] *Congressional Record*, vol. 25 (53rd Congress, 1st Session) January 24, 1895 p. 1307.

[67] Ibid.

[68] *Congressional Record*, vol. 25 (53rd Congress, 1st Session), August 29, 1893, p. 1042; August 30, 1893, pp. 1077, 1084.

[69] Ibid., p. 1042.

In February 1894, the Democrats brought to the floor a bill providing for the coining of silver bullion in the Treasury. The policy was favored by free silver enthusiasts and opposed, naturally, by protectionist Republicans and gold Democrats. A filibuster soon developed, and on Washington's birthday, the scene on the House floor turned especially ugly when several Members threatened violence and several others were brought in under arrest. There was talk of approving the Reed Rules when the Democrats caucused on March 6, but no action was taken; the filibuster continued to rage. By early April, the Democrats, seriously divided by the free silver issue, could not muster a sufficient majority to approve the previous day's Journal; without such approval, no other business could be conducted. Day after day, the Republicans blocked approval of the Journal and congressional business came to a standstill. In a desperation move, the Rules Committee reported an amendment to the rules that would fine members ten dollars for failing to vote on approving the Journal.[71] Finally, on April 13, the Democrats capitulated, and the Rules Committee came forth with a quorum counting rule which was quickly approved.[72] Procedurally, the new quorum rule differed from the one adopted in the 51st Congress in that the Speaker appointed one Member from each side to count rather than count himself. Substantively however, the new quorum rule was the same.[73] In addition, the anti-dilatory rule, although not reinstituted was "applied occasionally in spirit. . . ."[74]

With the Democrats forced to count Members to achieve a quorum, the long contest to reform the House rules ended. The Republicans won control of the House in the elections of 1894. But before the 53rd Congress adjourned on March 3, 1895, the powers of the Rules Committee were again extended. On February 4, Catchings reported a special order from the Rules Committee providing for consideration of a bill originally referred to but not yet reported from the Committee on War Claims. Thaddeus M. Mahon (R-Pa.) then lodged a point of order against consideration of the resolution. Speaker Crisp, in ruling against Mahon's position, held that the Rules Committee was working within its power to fix the order of business, although in this case the effect was to discharge a committee from consideration of a matter pending before it.[75] This gave the Rules Committee an important new power which in time would be sustained and expanded, through rulings of subsequent Speakers, making it possible for the Rules Committee to report any legislation to the floor regardless of where it was pending. Although the Committee has exercised this power rarely, it became another weapon in its arsenal.

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[70] Robinson, *Thomas B. Reed*, p. 298.

[71] *Congressional Record*, vol. 26 (53th Congress, 2nd Session), April 12, 1894, p. 3707.

[72] Robinson, *Thomas B. Reed*, pp. 299-304.

[73] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 49.

[74] Ibid.

In December 1895, the 54th Congress convened with Reed again as Speaker. (Reed served first from 1889 to 1891, and then again from 1895 to 1899.) The Republican controlled House adopted the rules of the 51st Congress, but through Crisp's decisions during his two Congresses as Speaker (1891–1895), the potential power of the Committee on Rules was substantially expanded. Importantly, the Democrats, as well as the Republicans had accepted a strong Rules Committee as essential for the efficient operation of the House. And although the Democrats would have to wait fifteen years—until 1911—to regain majority status in the House, the basic responsibility of the Rules Committee again was accepted as legitimate at that time (see Chapter III). In the meantime, three Republican Speakers exercised the Committee's full prerogatives before a majority of the House would in the end revolt against the authority of the Speakership.

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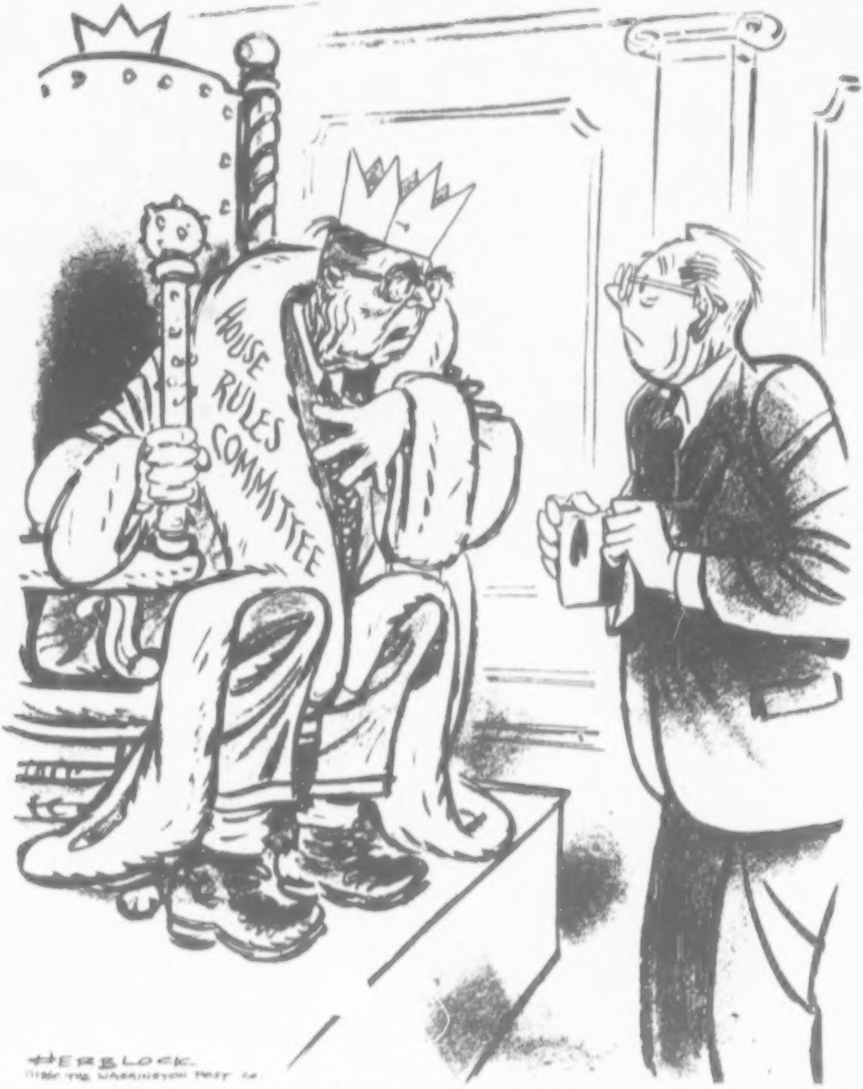
[75] Hinds, *Precedents of the House of Representatives*, vol. 5 p. 891.

"What's This Ugly Talk About Applying Rules To ME?"


HOUSE RULES COMMITTEE
HERBLOCK
THE WASHINGTON POST CO.

----from Straight Herblock (Simon & Schuster, 1964)

## Power and Insurgency: 1895–1910

The rules of the House were not substantially altered between 1895 and 1910, but the interpretations given the rules by Speakers, after Reed especially Speaker Cannon, further increased the power of the Rules Committee. As the Committee grew more experienced with the rules, it became more adept at using them to control legislation. Its use of special orders to limit debate on a railroad rate bill in 1905 sparred a reaction against the Committee's authority to regulate legislation on the floor. It was observed that the special rule's provision for debate was "inadequate, narrow and partisan," that the House had been "dragooned and coerced" into supporting the rule, and that the rule was inadequate for debate of a measure of such importance.[76] Similar objections had been expressed by Joseph Bailey (D-Tex.) at the start of the 56th Congress in 1889. Bailey, a Rules member who had been minority leader in the 55th Congress, remarked:

> I feel certain that either the power of the Committee on Rules [should] be curtailed or the membership of that committee [should] be enlarged. . . The three members who constitute a majority of that committee would. . .become a legislative triumvirate. Under these rules the Committee on Rules not only decides what business the House must transact, but also what business the House must not transact.
>
> [To provide the Speaker] the absolute control of the House through its Committee on Rules is giving greater power to the Speaker of the House than any one man in this free Republic ought to possess. To say that the power still remains with the House is subterfuge, because the House can never pass upon a question until the Committee on Rules see[s] fit to report. To say that the committee can be controlled by the majority is not candid, because the committee is considered the Speaker's official family, and no gentleman of the Speaker's party would serve upon it unless he could support the Speaker's policy.[77]

A year later, Republican Francis Cushman of Washington ridiculed the rules: "The Calendar! That is a misnomer. It ought to be called a cemetery. For therein lie the whitening bones of legislative hopes."[78] Cushman's outburst was all the more significant for his position opposing his Republican colleagues in the majority party.[79]

Certainly, the growing dominance of the Rules Committee under Speaker Reed in the 54th and 55th Congresses (1895–1899) was not surprising. In a newspaper interview at the start of the 52nd Congress (1891–1893), Reed explained his conception of the Rules Committee as a steering committee "to arrange the order of business and decide how and in what way certain measures shall be considered."[80] Much the same could have been expected of the Committee under Speaker Cannon's leadership. But even during the 56th and 57th Congresses, (1899–1903), when Republican majorities were small and David B. Henderson of Iowa, served as Speaker, a man once described as having "moderate ability and rather weak of will power," the Rules Committee maintained substantial influence through its control of the House agenda.[81]

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[76] *Congressional Record*, vol. 39 (58th Congress, 3rd Session), February 6, 1905, pp. 1947–1949. For this use of special orders, See Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 56–66.

[77] *Congressional Record*, vol. 33 (56th Congress, 1st Session), December 4, 1899, p. 7.

[78] *Congressional Record*, vol. 35 (57th Congress, 1st Session), April 17, 1902, p. 4320.

[79] Kenneth W. Hechler, *Insurgency: Personalities and Politics of the Tate Era* (New York: AMS Press, 1940), pp. 28–30.

By the opening of the 61st Congress in 1909, the House Rules Committee had become an "irresistible engine" for controlling legislation and carrying out the dictates of the majority party.[82] In the preceding years, the power of the Speaker had accumulated in large part through the Rules Committee, which acquired powers not accorded to any other House committee. Through the vehicle of the special order, the Committee could regulate what legislation would be considered, how the debate would be structured, whether or not amendments would be offered, and when a vote would take place. Moreover, the Committee had the authority to offer amendments to bills reported by other committees. Special orders from the Committee could suspend the regular order of business in the House and took precedence over motions to proceed under regular order. A bill reported under a special order had prior right for consideration over a report made privileged by the rules. And the rules could not be suspended during consideration of a bill under a special order. A special order also could not be postponed to provide for consideration of a class of bills, and pending the consideration of a report from the Committee, only one motion to adjourn was in order; a motion either to reconsider or appeal a ruling from the chair was held as dilatory.[83] Additionally, action on a report of the Committee could not be evaded by the breaking of a quorum. Alone among the House committees, the Rules Committee could hold meetings without special leave while the House was sitting. And, of course, all propositions to change the House rules could only come to the floor through a report from the Committee.[84] Thus, it could ward off threats to its authority.

By 1909, the Republican Party was no longer as unified as it had been following the McKinley landslide victory in 1896. Splits between progressive-insurgent forces and "regulars" within the party began to develop over issues of government reform and regulation of business. In the House the Republican Party remained firmly controlled by the regulars. But as progressive Republican representation grew, especially in midwestern states, the tensions within the House heightened.

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[80] *The Washington Post*, December 17, 1891, as quoted in Robinson, *Thomas B. Reed*, p. 274.

[81] Hubert Bruce Fuller, *The Speaker of the House* (Boston: Little, Brown & Company, 1909), p. 248.

[82] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 65.

[83] Chang-Wei Chiu, *The Speaker of the House of Representatives Since 1896*. (New York: Columbia University Press, 1928), pp. 124–125. See also Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, pp. 65–69

[84] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, pp. 68–69.

Through the first decade of the new century, Members' complaints of legislative domination by the Rules Committee increased. The Committee arbitrarily would propose to limit debate; it often failed to inform Members about debate rules until the special orders were called up for debate; and it frequently ignored for consideration unprivileged bills on the House and Union calendars. Members found themselves constantly bargaining with the Speaker to gain attention for legislation. At the same time, party discipline pressured Members to support the decisions of the Committee. Alexander thus described the result of Rules Committee's domination, "[i]t seems to reduce [the Members] to pawns, while knights play the game."[85]

Dissatisfaction of the Members also focused on Speaker Cannon himself, who had ascended to the speakership at the start of the 58th Congress in 1903. Beneath Cannon's folksy and amiable demeanor, lay a flinty toughness. Whereas Reed had strengthened take out of the speakership and the Rules Committee in an environment of growing Member frustration with obstructionism and the inability of the House to respond adequately to its growing legislative workload, such was not the case for Cannon. When Cannon exercised his authority, the climate in the House was entirely different. By 1903, few Members remained who could recall procedural stalemates prior to the 51st Congress. The political environment instead became increasingly intolerant of centralized and at times arbitrary leadership.

Moreover, Cannon's personal style differed from Reed's. Reed ruled "by force of his will and the strength of his logic," one scholar notes,[86] whereas Cannon's success was based on "his capacity for work" [87] rather than "imaginative or artistic genius".[88] Cannon ruled the House like no other Speaker before or after. On one occasion, the Democrats discovered that most of the Republicans had left the House floor so they called up a favorite bill. The roll was called twice according to the rules. After it appeared the measure would pass, Cannon ordered the clerk to call the roll a third time. When the Democrats rose to protest angrily, Cannon responded with typical candor: "The Chair is hoping a few more Republicans will come in".[89] An observer noted of Cannon's power: "An able man and a clever politician in the chair owns the House of Representatives body, soul and conscience".[90]

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[85] Alexander, *The History and Procedure of the House of Representatives*, p. 210.
[86] Fuller, *The Speakers of the House*, p. 234.
[87] Ibid., p. 253.
[88] Ibid., p. 251.
[89] MacNeil, *Forge of Democracy* (New York: David McKay, Co., 1963), p. 78.

Cannon stood for regular Republicanism, and he vigorously defended it with the resources available to him—the power of the Speaker, the Rules Committee, and his own persuasive ability. Cannon worked tirelessly against the forces of change and "progressivism." "I will not help change existing laws unless you put something better in its place," he once remarked.[91] Cannon led the attack against making gold the standard for American currency; he opposed a major effort in 1890 to legislate a system of federal election controls in the South; he spoke against civil service reform and opposed conservation legislation.[92] Historian and former Member of Congress Kenneth W. Hechler, has noted: "His unflinching adherence to the *status quo* of party regularity was the ultimate cause of Cannon's downfall. He was an able politician, adept at the art of give and take, yet he had a supreme contempt for those who stood for other principles at the expense of party regularity".[93]

The Insurgent movement that finally stripped Cannon of important powers and mandated major alterations in House rules had its roots in the westward expansion of the late nineteenth century, particularly in difficulties experienced by the farming communities of the Mid-West.[94] The issues related largely to the closing of the frontier, the land and railroad monopolies, the unbridled growth of industry, and land conservation. These were Democratic and Populist issues, and the Republicans who sided philosophically with them in these matters formed the core of the Insurgents. In the East and in other urban centers, the Insurgents counted among their ranks the muckrakers who exposed political corruption and stirred up feelings against the railroads and land speculators. At the turn of the century, the Insurgent movement culminated in the presidency of Theodore Roosevelt, who championed progressive causes: not only land reforms, but also trust-busting, conservation, railroad reform, child labor laws, and food and drug regulation. The Populists, the Insurgents, the social reformers of the East and far West, and virtually all who counted themselves under the banner of progressivism, marched in Roosevelt's band. Although his concrete legislative achievements were limited, Roosevelt's greatest contribution to the Insurgency was, as Hechler observes, "his moral crusade against evil, his raising of the ideals of the Populists, [William Jennings] Bryan and the muckrakers to the level of respectability." [95]

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[90] Ibid., p. 79.

[91] William Rea Gwinn, *Uncle Joe Cannon: Archfoe of Insurgency* (Bookman Associates, 1957), p. 27.

[92] Ibid., pp. 24–40.

[93] Kenneth W. Hechler, *Insurgency* (New York; Columbia University Press, 1940), pp. 31-32.

[94] Ibid., pp. 16–26.

[95] Ibid., p. 24.

Thus, one line of attacks against the Rules Committee by the Insurgents was its lack of representativeness. Prior to 1911, only Henderson of Iowa among its Republican Members came from a state West of Mississippi. Its unrepresentative membership combined with Speaker Cannon's authoritarian use of the Rules Committee, which held jurisdiction over all proposals to alter House rules, made it a natural focus of the Insurgent's attention. By 1908, Speaker Cannon's autocratic control of the House had raised the ire of a number of western Congressmen, as much for his position against agrarian reform as for his power as Speaker and Chairman of the Rules Committee.

On February 5, 1908, John M. Nelson, a Republican Insurgent from Wisconsin, urged reform of the Speakership and the rules. He attacked the rules as conferring upon the Speaker "the power of hypnotism." "At times [the majority Members] break away, but not for long," he said. "They are soon brought back under the spell."[96] He warned against the adoption of this same set of rules at the start of the 61st because it:

> places manacles upon the legislative hands of the Member, places a gag upon his tongue, and clamps upon his brain for all the purposes of legislation in the interests of the people. He is helpless to initiate laws, he is helpless to deliberate upon laws, and he will have only a qualified right to vote, which vote a caucus will at times attempt to control.[97]

A month later, another of the Insurgents, Victor Murdock of Kansas, proposed a simplification of the rules, election of the Rules Committee by the House, an expansion in the membership of the Committee, and the opening of committee meetings to the public.[98] But as long as these and similar proposals had to be referred to the Rules Committee first, there was little hope that they would reach the House floor.

Following the 1908 election, it appeared that another attempt would be made to amend the House rules. But the Insurgents took to fighting among themselves for positions in the upcoming 61st Congress (1909–1911) and against Democratic allies with whom relations were frequently tenuous. One subject of discord was the matter of how the rules should be reformed. Some Members suggested that the Speaker be given power to appoint only one-third of committee memberships; others suggested three-fifths; and some proposed limiting the Speaker's control by scheduling one day a week for a regular call of the committees that wished to bring up legislation. Others favored the establishment of a discharge rule. A suggestion even was made to remove the Speaker from the Rules Committee altogether.[99]

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[96] *Congressional Record*, vol. 42 (60th Congress 1st Session), February 5, 1908, p. 1650.

[97] Ibid., p. 1651.

[98] *Congressional Record*, vol. 42 (60th Congress, 1st Session), March 3, 1908, p. 2839.

[99] Hechler, *Insurgency*, p. 45.

By mid-January 1909, with the end of the 60th Congress in sight, the Insurgents agreed to offer two amendments to the rules, one calling for the election of committees by the House, and the other mandating the establishment of a calendar day for a call of the committees. These were modest proposals; actually, the Insurgents had more support than they suspected. In February, a resolution was introduced that called for ending the Speaker's power to appoint committees, a radically new formulation for the composition of the Rules Committee, and a "Calendar Tuesday" for a call of the committees. But just as the 60th Congress was ending, Cannon and the regular Republicans offered a compromise resolution and siphoned off some of the softer Insurgent support. The compromise called for establishment of a Calendar Wednesday instead of Calendar Tuesday and provided that the day could be set aside by a majority rather than a two-thirds vote.[100]

The compromise did not satisfy the dissident Republicans and they prepared to strike again when they convened on March 15, 1909, with the 61st Congress less than a month away. As for Cannon himself, he regarded the Insurgents with unsparing contempt. Busbey noted:

> Many of the Insurgents were honest and really believed they were victims of the Speaker and a self-appointed cabal, but more were dishonest and disgruntled and loaded their failures on the Speaker. . . . Cannonism was anything that dwelt in the imagination of people who did not like Cannon; it was the things in the minds of those people who undertook to make Cannon appear a very bad and improper person; it was the root of all evil when a Member of the House ran full tilt on the rules which he voted to adopt and found they are harder than his soft head.[101]

Of the Insurgency, Cannon observed: "Men do queer things when they allow their prejudices to cloud their brains." [102]

In the 61st Congress Cannon sought to head off the Insurgents and their Democratic allies through a complicated political intrigue.[103] He formed a coalition with "machine politics" Democrats who were threatened by many of the governmental reforms the Insurgents favored. Acting in concert with Speaker Cannon, John J. Fitzgerald (D-N.Y.), chief of the Tammany Hall delegation and a Rules Committee Member, introduced a series of rules changes that would allow for more individual freedom but not hamper the power of the Speaker. Fitzgerald's resolution provided for a unanimous consent calendar, strengthened the Calendar Wednesday procedure by requiring a two-thirds vote to set the day aside, and permitted one recommittal motion after the previous question had been moved on any bill.[104]

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[100] Ibid., pp. 45–47.

[101] Busbey, *Uncle Joe Cannon*, pp. 246–247.

[102] Ibid., p. 248.

[103] See Hechler, *Insurgency*. p. 49–54.

[104] *Congressional Record*, vol. 45 (61st Congress, 2nd Session), December 7, 1909, p. 22.

Previously, the Insurgents in cooperation with Minority Leader Champ Clark of Missouri, the ranking Democrat on the Rules Committee, had introduced a resolution limiting the Speaker's power to appoint committees and establishing an expanded Rules Committee.[105] The Clark resolution provided that the Rules Committee consist of fifteen Members named in the resolution. Cannon's name was not among the fifteen. In addition, the resolution called for the Committee to report to the House on rules revisions.[106] Although thirty-one Republicans voted with the Democrats to defeat a motion to re-adopt the rules of the 60th Congress, the Clark resolution also was defeated by a coalition of regular Republicans and a small group of Fitzgerald-led Democrats. Subsequently, the Fitzgerald resolution was adopted as twenty-three Democrats joined the regular Republicans to provide a majority.[107]

Cannon's victory was temporary. Public sentiment against the policies of the Speaker swept the country; and in an effort to broaden the popular appeal of the party in time for the 1910 congressional elections, a movement began among the regular Republican organization to dump Cannon in favor or a more "liberal" Speaker. By the late fall of 1909, President Taft and such Republican party leaders as former President Roosevelt and Henry Cabot Lodge had agreed that Cannon must go.[108] And a survey of Republican newspapers by *The Literary Digest* in January 1910 found either open opposition or silence on Cannonism.[109]

The climax of the struggle came in mid-March 1910. For several weeks Insurgents and Democrats had been sniping at the Speaker. On Wednesday, March 16, Cannon recognized the Chairman of the Committee on the Census to call up a minor, non-controversial amendment to the census bill without first disposing of a call of the committees under a Calendar Wednesday provision. This unorthodox move by the Speaker defied the reformers' recent gains and incensed the opposition. Immediately, Fitzgerald raised a point of order against consideration of the census legislation, but the Speaker ruled that the legislation was in order as a matter of constitutional privilege.[110] The House then proceeded to overturn the chair's ruling—a rare occurrence indeed. When on the following day the census measure again was brought to the floor as a matter of constitutional privilege, and a point of order again was raised, Cannon put the question to the House. Having successfully defended Calendar Wednesday the previous day, the House now voted that the census matter was in order, seemingly reversing its previous position.

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[105] Ibid., p. 21.

[106] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 47.

[107] *Congressional Record*, vol. 45 (61st Congress, 2nd Session), December 7, 1909, pp. 21–33. See also Hechler, *Insurgency*, pp. 56–58.

[108] Hechler, *Insurgency*, p. 64.

[109] *Literary Digest*, January 29, 1910, as cited in Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, pp. 76–77.

[110] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 100.

This reversal gave the reformers the opening they needed. Once the census amendment and some other matters were completed, George Norris of Nebraska, a leader of the Insurgents, gained recognition to bring to the floor for consideration "a resolution made privileged by the Constitution."[111] Norris' resolution concerned Rules Committee membership. He proposed that the Committee consist of fifteen members, to be apportioned with a member from each of nine groupings of states for the majority party and from each of six groupings of states for the minority party, with each grouping to select its member. The new Rules Committee would select its own chairman, and "the Speaker shall not be eligible to membership on said committee."[112] In essence, Norris used this parliamentary ruling on the census bill as a vehicle to avoid referral of his resolution to the Rules Committee. John Dalzell (R-Pa.) raised a point of order on the grounds that the resolution was not privileged.[113] Speaker Cannon did not rule on the point of order, preferring instead to allow debate to continue on both the point of order and the substance of Norris' proposal. Clearly, the Insurgent-Democratic coalition had the votes this time, and Cannon and his lieutenants needed time to round up support. Debate continued through the night during which time Clark unsuccessfully urged the Speaker to rule.

On the morning of the 18th, the regulars offered a compromise: a ten member Rules Committee with the Speaker as a member. The Insurgents rejected this proposal as well as another compromise putting the membership at fifteen but still allowing the Speaker to serve on the Committee.[114] Cannon's supporters had been unable to gather the necessary backing.

The only strategy that remained for the regulars was to continue their efforts to adjourn the House or to recess. But on each of four votes, they were defeated. At 2:00 in the afternoon of the 18th, a procedural compromise was reached: the House would recess until 4:00, and the Speaker would rule once it reconvened. When the House met at 4:00, the Members decided to delay the Speaker's ruling until the next day, so they would be better rested.[115] The outcome was no longer in doubt. As expected, following approval of the *Journal* on the 19th, Cannon ruled in favor of Dalzell's point of order, basing his decision on a previous ruling by Speaker Randall, a Democrat, "that the proposition to amend the rules was not a case of constitutional privilege." [116] Naturally, Norris appealed the decision, and the House refused to sustain the Speaker's decision, 162–182. Debate then proceeded on Norris' resolution. Realizing that his resolution would be endangered unless he abandoned the geographic representation schemes, Norris offered a substitute amendment that removed the representational requirement and lowered the Committee's membership from fifteen to ten.[117] The ensuing debate and oral vote were anti-climatic. Democrats and Insurgents claimed to a fault that the change did not represent a personal attack on Cannon. One Member proposed that the Speaker be precluded from membership on the Rules Committee only after the 61st Congress, but neither side favored this idea.[118] When the vote came on adoption of the Norris resolution as amended, it carried by a larger margin, 191–156, than had the appeal of the Chair's ruling.

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[111] *Congressional Record*, vol. 45 (61st Congress, 2nd Session), March 17, 1910, p. 3292.

[112] *Ibid.*

[113] *Ibid.*

[114] Hechler, *Insurgency*, pp. 71-72.

[115] Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, p. 116.

As on January 29, 1890, when Reed had counted the quorum that included Members present and refusing to vote, chaos ruled the floor of the House. American flags were unfurled and hats thrown in the air. Democratic Representative Albert Burleson of Texas offered a resolution to declare the Speakership vacant, but after a wild debate it was defeated with the Insurgents returning to the Republican ranks.

Cannon was unshaken and unrepentent: "It seems to me, regarding the matter quite dispassionately, the Insurgents accomplished about as much as did the famous King of France who marched his forty thousand men up the hill and then marched them down again; doubtless to the profit of the shoemakers and the improvement of the sweet tempers of his soldiers." Nonetheless, he concluded, "Cannonism was dead . . . ." [119]

Under the new rules, the Speaker retained the right to appoint committees, although the Democrats rescinded this privilege a year later. The Speaker also kept the right to appoint the managers of conference committees. The Speaker's power to rule on points of order similarly was left intact.[120]

The 1910 rebellion ended the domination of the Rules Committee by the Speaker. But the problem of how to manage the flow of legislation to the floor remained; abuses of the rules also did not end with the fall of Speaker Cannon. The new Rules Committee included all the old Members except the Speaker, and one of Cannon's most trusted colleagues, Dalzell, was named chairman.

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[116] *Congressional Record*, vol. 45 (61st Congress, 2nd Session), March 19, 1910, p. 3426.

[117] Ibid. p. 3429.

[118] Ibid. pp. 3430–3433.

[119] Busbey, *Uncle Joe Cannon*, p. 269.

[120] Hechler, *Insurgency*, p. 80.

Even without Cannon, the Committee would continue to be a center of power and controversy. The Rules Committee's role in the operation of the House had become institutionalized. Members still accepted the notion that the boundaries for debate and the scheduling of legislation for floor consideration needed to be regulated if the House was to operate effectively. Although the Speaker was stripped of his control over the Rules Committee, the enlarged Committee retained the same essential responsibilities. Not surprisingly, some criticism of the Rules Committee also continued. On April 10, 1910, Henry T. Rainey (D-Ill.), later to be a Speaker of the House complained that the Rules Committee, controlled by Republicans interested in protecting their party's leaders, would not report his resolution calling for an investigation of the sugar trust frauds. He claimed that his and other resolutions on the same matter before the Committee "sleep the sleep that knows no waking." [121]

However, the changes made in the Rules Committee in 1910 were not without significance. Some of the impact was immediate. The larger membership allowed the Committee to be more geographically representative than previously. Among the new appointees was a California Republican, Sylvester Smith, the first Member from the West ever to sit the Committee.

In another way, the changes were more symbolic than substantive. The Rules Committee had become a primary symbol of the Speaker's power. Thus, by removing the Speaker from the Committee and denying him the power to appoint its members, the coalition of Democrats and Insurgents attacked the centralized power of the Speakership. As will be apparent in the following chapter, the changes had little impact on Rules Committee decision-making. The Committee remained a vehicle of the majority party and an instrument of party leadership. Not until the 66th Congress (1919–1921) did the chairmanship of the Committee become a base of power in the House. And for the most part, it was not until the mid-1930's that the formally diminished control of the Rules Committee by the Speaker began to have significant substantive consequences.

The first thirty years of the Rules Committee's existence as a standing committee of the House are extremely important. Not only was the Committee's predominance over the order of House business established and exercised, but in doing so the House firmly placed the responsibility for floor scheduling on the majority party and its leadership. In turn, by designating the Rules Committee a standing committee and by strengthening its influence over floor proceedings, the House recognized that the social and political environment of the country, and the corresponding demands placed upon national government, had changed dramatically. As the workload of the House increased, priorities had to be established. Every item on the calendars could not be considered, and House decisions on important legislation could not always wait their turn. With a more crowded legislative agenda, obstructionism by a minority became more significant and less easy to tolerate. The House accepted the notion that protection of minority rights was impinging too severely on majority rule. Under these environmental conditions, the Speaker and his Rules Committee were allowed to centralize decisionmaking in the House, first by the Republicans under Reed's leadership and later by the Democrats under Crisp.

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[121] *Congressional Record*, vol. 45 (61st Congress, 2nd Session), April 14, 1910, p. 4695. See also, Robert A. Waller, *Rainey of Illinois* (Urbana, Ill.: University of Illinois Press, 1977), p. 102.

Centralized control of the House, however, could only be maintained while there remained a cohesive political majority in the House or while opposing elements were badly split. Not surprisingly, the years surrounding the 1896 election are noted as the strongest "party government" period in the history of American political parties.[122] But as splits developed in the Republican Party, complaints about the arbitrary nature of centralized leadership under Cannon came from Insurgent Republicans as well as the minority party. When these offended elements merged, they removed some of the resources of centralized power. Importantly, however, the essential role of the Rules Committee in the House remained unchanged. The political environment had required a reduction in the Speaker's powers—but not those of the majority party—to order House business and prevent obstructionism.

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[122] David W. Brady, *Congressional Voting in a Partisan Era* (Lawrence, Kansas: University of Kansas Press, 1973).

# CHAIRMAN OF COMMITTEE—1910–1936

John Dalzell (1910–1911)

Philip Campbell (1919–1923)

Bertrand H. Snell (1923–1931)

William B. Bankhead (1934)

## Ranking Minority Member

**Robert L. Henry** (1911-1917)

**Edward W. Pou** (1917-1919)
(1931-1934)

**John J. O'Connor** (1935-1938)

**Fred S. Purnell** (1931-1933)
Ranking Minority Member

# CHAPTER III

# Setting the Groundwork for Independent Power: 1911–1936

## Introduction

The 1910 revolt against Cannonism marked a turning point in the House of Representatives. Whereas the first effort to organize the House in industrialized America had centralized power in the hands of the Speaker, in 1910 the pendulum arm began to swing in the direction of decentralization. By stripping the Speaker of power, the House sowed the seeds for a new era—one in which the power of individual committee chairs gradually would replace that of the party leaders and one in which seniority, rather than the Speaker's discretion, eventually would determine who reached positions of influence.

In the 1911 to 1936 era, management of the House still remained with the majority party, although a single individual could no longer exercise power arbitrarily. The process of decentralizing power in the House evolved gradually over four distinct periods during the era: 1908–1910, 1911–1918, 1919–1930, and 1931–1936. Between the end of the 60th Congress in 1908 and the revolt in 1910, regular Republicans maintained responsibility for the conduct of House business. Then between 1911 and 1918, an eight-year span of Democratic House majorities, power rested with the party caucus and was exercised on its behalf by the majority floor leader not by the Speaker. From 1919 to 1930, Republicans controlled the House, and power became increasingly decentralized as Republican leadership was shared by a five-member steering committee and a committee on committees. Finally, from 1931 to 1936, with the Democrats again the majority party in the House, the trend toward decentralization continued, but the Democratic leadership began to face increased difficulty in managing the House. Only when serious divisions in the

Democratic party began to surface at the end of this final period would the impact of the decentralizing trend become readily apparent.

The Committee on Rules reflected these changes during the 1911 to 1936 era. At first, it remained an instrument of the majority party and under the indirect control of its leadership. Only after 1919 did the chairmanship of the Committee develop into a base of power in the House—first as part of the party leadership team and then as a potentially independent barony.

## *The Rules Committee in the Aftermath of the Revolt: 1908–1910*

In three important ways the revolt of 1910 affected the Committee on Rules. First, the Speaker was deprived of his seat on the Committee and thus of his chairmanship. Second, he lost his power to appoint the members of the Committee. Third, the size of the Committee was increased from five to ten members. But the immediate impact of these changes was not as great as one might have anticipated.

True, the removal of the Speaker from the Committee marked the end of a more than 50-year-old practice and one that had contributed greatly to this influence of the Speakership. Working with the other two majority party members of the Committee—men whom he had appointed—the Speaker often controlled the fate of legislation. He could take advantage of the Committee's authority to report special rules to determine which bills would reach the floor and under what conditions. He also could use special rules to waive House rules in order to help or hinder a measure. For example, Cannon's Rules Committee once reported a special rule allowing suspension of the rules by a simple majority, rather than by the two-thirds majority normally required after a unanimous consent request for a measure's passage had been refused by the Democrats.[1]

After the revolt, however, and for the first time since 1790, the Speaker was forbidden to appoint the members of a standing committee.[2] Yet the loss of this appointment power, coupled with the loss of his chairmanship of the Rules Committee, did not have as great an effect on the Committee as might be expected because no Insurgents were added to the enlarged Committee. In fact, the new Rules Committee still was controlled by Republican party regulars and Cannon's friends, who were no more inclined to support Progressive legislation than the Speaker himself had been. The new chairman, John Dalzell (R–Pa.), had served on the Committee since 1895 under Speakers Reed, Henderson, and Cannon. Not only was Dalzell, one of Cannon's good friends and loyal supporters, but he was also "one of the strongest men in the Republican organization, and . . . quite as much a part of the system against which the Insurgents had launched their attack as Mr. Cannon himself."[3] Consequently, "On the face of things there appeared to be no change, except that a committee controlled by the Speaker was replaced by one controlled by the Speaker's closest friends."[4]

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[1] Richard Bolling, *Power in the House: A History of the Leadership of the House of Representatives* (New York: Capricorn Books, 1974), pp. 59–60.

[2] On January 3, 1790, the Speaker's power of appointment was extended to include members of all committees; previously he had been able to appoint members only to those committees composed of fewer than four members. See Asher C. Hinds *Precedents of the House of Representatives*, vol. 4 (Washington, D.C.: U.S. Government Printing Office, 1907), pp. 887–888. The current rule, Rule X 6(a)(1), specifies that members of standing committees first be nominated by party caucus and then be elected by the House. The power to appoint members of all the other standing committees was taken away from the Speaker in the 62nd Congress (1911–1913).

The Insurgents did not demand seats on the new Rules Committee for the same reason most of them voted against the Burleson resolution: they feared that further alliances with the Democrats at this time might create a pattern of future alliances in times of crisis.[5] In spite of their cooperation during the revolt, the Insurgents were every bit as partisan as the Republican party regulars. Their goal was control of their own party, not the formation of a permanent bipartisan alliance.

In the long run, however, the revolt and its aftermath had a profound effect on the Committee. Although party leaders maintained substantial influence in the appointment of Rules Committee members, the absence of the Speaker, the loss of his formal appointment power, and the enlargement of the Committee gave its members greater independence. Clearly, the institutionalization of a seniority system was a necessary ingredient in further insulating members of Rules and other committees from party leadership influence. When combined, these factors strengthened the conservative coalition of southern Democrats and Republicans on the Rules Committee beginning in 1937.[6]

## Democratic Majorities: 1911–1919

Because Republican Speaker Joseph Cannon had been criticized for suppressing the rights of the Members in the House—and thus of the citizens who elected them—his retention of the Speakership was considered a boon for the Democrats in the November 1910 elections. Minority Leader Champ Clark (D–Mo.) described Speaker Cannon as the Democrats' "most valuable asset in the impending campaign."[7] Clark's hopes were realized when the Democrats made a net gain of 56 seats in the election and thus became the new majority party in the House. Two years later, in 1912, Cannon lost his bid for reelection to the 63rd Congress. When he returned to the House in the 64th Congress (1914–1915), he was reassigned to the Appropriations Committee and eventually became its chairman once again.[8] He retired from the Congress in 1922 at the age of eighty-six.

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[3] George Rothwell Brown. *The Leadership of Congress* (Indianapolis: Bobbs-Merrill Company, 1922), p. 171.

[4] C. R. Atkinson, and C. A. Beard, "The Syndication of the Speakership," *Political Science Quarterly*, vol. 26, no. 3, (September 1911): 413.

[5] James Holt. *Congressional Insurgents and the Party System: 1909–1911* (Cambridge, Mass.: Harvard University Press, 1967), p. 23.

[6] For a discussion of this period, see Chapter V.

In organizing the House for the first time since the 53rd Congress (1893–1895), the Democrats were faced with a dilemma. On the one hand, they did not wish to return to a system that centralized power in the hands of a strong Speaker; they had just experienced the tyranny of Cannonism and had won control of the House, in part, by running against it. Yet after such a long period in the minority, House Democrats wanted to pass legislation they favored without being obstructed by the new minority party. This would require that the party leadership maintain some influence. The problem was how to make the leadership effective yet keep it responsive to the House Democratic membership. The answer was to be found in the elevation of the House Democratic Caucus, the organization of all House Democrats, to the center of House management and to provide the Caucus with strong, accountable leadership. Thus, "King Caucus" replaced "Czar" Cannon.

On January 19, 1911, House Democrats, in their new role as members of the majority party, met in secret caucus to select their nominees for leadership positions and to reorganize the House. Clark was elected Speaker and Oscar Underwood of Alabama was elected floor leader of the party, for a time the most powerful position in the House.

The Democratic Caucus decided to meet in closed sessions but to make its proceedings public in the form of a published journal. The Democratic *Caucus Journal* would include, when approved by a one-fifth vote of the members present at a given meeting, the results of yea and nay votes taken in the meeting.[9] The Caucus adopted a set of eleven rules which, in essence, provided a means for it to directly control legislation in the House by binding Democrat Members to decisions agreed upon in the Caucus by a two-thirds vote. Any Democrat who did not abide by such a decision would lose his membership in the Caucus unless (1) the legislation in question involved "a construction of the Constitution", (2) he had made campaign promises to the contrary before his most recent election, or (3) he had received contradictory instructions from his "nominating authority." [10]

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[7] Champ Clark, *My Quarter Century of American Politics*, vol. 2 (New York: Harper & Brothers Publishers, 1920), pp. 280–281.

[8] Blair Bolles, *Tyrant from Illinois: Uncle Joe Cannon's Experiment with Personal Power* (New York: W. W. Norton & Co., 1951), p. 232.

[9] George B. Galloway, *History of the House of Representatives* (New York: Thomas Y. Crowell Co., 1962), p. 138. Caucus rules 10 and 11. Caucus meetings remained closed to the public until the 1970's and still may be closed by a majority vote of the Caucus.

Part of the Caucus' work was a revision of some of the rules of the House. Three years earlier, in their 1908 national platform, the Democrats vowed to change these rules to reduce the power of the Speaker and enable a majority of the House to work its will.[11] This task was begun in concert with the Insurgents during the 61st Congress. However, like the Insurgents, the Democrats did not want a permanent bipartisan alliance; they wanted the opportunity to control the House in their own right. Now that opportunity had arrived.

Robert Henry (D–Tex.), who was to serve as Rules Committee Chairman in the 62nd–64th Congresses, introduced a resolution containing the rules changes agreed upon in the Caucus.[12] The most important of these changes further limited the power of the Speaker. The power to appoint the members and chairmen of all standing committees was taken from the Speaker, although he would continue to appoint Members to select and conference committees. In practice, this authority was transferred to the two party organizations.[13] Henceforth, the Democratic Caucus would nominate Democratic members of the Committee on Ways and Means who would, as the party's Committee on Committees, propose most other Democratic committee assignment nominations. At first Republicans were nominated to committees by their floor leader, James Mann (R–Ill.), but they soon followed the Democrats' lead. A Republican Committee on Committees was created in the Sixty-fifth Congress (1917–1919). Assignments made by both parties remained subject to review by the party caucus or conference and to pro forma approval by the full House.

These changes completed "the process of separating the position of Speaker from that of party leader." [14] The Speaker's legislative powers, "as distinguished from his judicial functions as presiding officer, . . . [had] been placed for the most part in other hands." [15]

The "other hands" belonged to Oscar W. Underwood (D-Ala.), the majority party's floor leader for the 62nd and 63rd Congresses. In addition, Underwood also was chairman of the Committee on Ways and Means, and thus of his party's Committee on Committees. Since the Speaker had been stripped of much of his power, "Oscar Underwood became the real leader of the House. He dominated the party caucus, influenced the rules, and as chairman of Ways and Means chose the committees."[16] From his position as floor leader, "he could ask and obtain recognition at any time to make motions to restrict debate or preclude amendments or both."[17] As a result, Underwood, rather than the Speaker, became the most influential man in the House, even though, as floor leader, he was not a constitutionally designated officer, as was the Speaker.

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[10] Ibid., pp. 138–139.

[11] Paul Dewitt Hasbrouck, *Party Government in the House of Representatives* (New York: The MacMillan Co., 1927), p. 3.

[12] It was customary at this time for the majority party's candidate for the chairmanship of the Rules Committee to introduce changes in the House rules, agreed upon by the Caucus, at the beginning of each Congress.

[13] Rule X cl. 6(a)(1) and cl. 6(e).

[14] Atkinson and Beard, "The Syndication of the Speakership," p. 143.

[15] Hasbrouck, *Party Government in the House of Representatives*, p. 91.

Through his position as Chairman of the Committee on Ways and Means, and thus of the Democratic Committee on Committees, Underwood had considerable influence over the committee assignments of Democratic Representatives. The Caucus shared this power by restricting how the assignments could be distributed. For example, Ways and Means Committee Democrats:

> appointed the Committee on Rules and the caucus adopted a resolution that no man should serve on more than one of the fourteen major committees. Thus, no members of Ways and Means were actually on Rules, but as a matter of fact, the members of the latter were carefully selected because of their known and proved sympathy with Democratic principles and policies, and for their loyalty to the party.[18]

Committee assignments were one source of power Underwood utilized to direct and control his party's legislative efforts. Another source was the Caucus, which he used to iron out differences within his party and to bind individual Democrats to party decisions.

Underwood also used the Rules Committee "regularly in conjunction with the caucus to formulate the legislative program."[19] As a result, Democrats generally were able to schedule their legislative program effectively and to present a united front on the floor of the House. Thus, they achieved most of their legislative goals and, in the 63rd Congress, those of their party's president, Woodrow Wilson.

Underwood's influence with the Rules Committee was enhanced by the high turnover of its membership. None of its Democratic members appointed in the 62nd Congress had ever served on the Committee. All four Democratic Rules Members from the 61st Congress remained in the House. Clark and Underwood had become Speaker and Majority Leader, respectively. Fitzgerald was chosen to chair Appropriations, and Lincoln Dixon (Ind.) became a member of Ways and Means. Not only were the seven Rules Democrats all new to the

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[16] Galloway, *History of the House of Representatives*, p. 108.

[17] Ibid.

[18] Brown, *The Leadership of Congress*, p. 175.

[19] Christopher Van Hollen, *The House Committee on Rules (1933–1951): Agent of Party and Agent of Opposition* (Unpublished Ph.D. diss., Baltimore: Johns Hopkins University, 1951, p. 29.

Committee, but they were all appointed by the new Democratic Committee on Committees chaired by Underwood.[20]

On the Republican side, turnover also was high. Only Dalzell returned to the Rules Committee.[21] He was joined by a regular Republican, William Wilson (Ill.) and two Insurgents, Edmond Madison (Kan.) and Irvine Lenroot (Wis.). Mann had appointed Madison and Lenroot to the Rules Committee in an effort to unify House Republicans. Seventeen progressives had stayed away from the caucus meeting during which Mann was selected as the Republican candidate for Speaker. They believed him to be fair and a good parliamentarian, but he had voted against the rules changes in 1910. These progressives then voted for Henry Cooper (Wis.) for Speaker, except for Cooper who voted for George Norris (Neb.). After meeting with party leaders including some Insurgents, Mann announced that he would treat all Republicans alike and not punish those who failed to support him. In addition to the Madison and Lenroot appointments, Mann treated the other Insurgents well in making committee assignments.[22]

Madison died on September 18, 1911. When in January Mann chose Philip Campbell (Kan.), a regular Republican, to fill the Rules vacancy, the Insurgents challenged the appointment on the House floor. George Norris (Neb.) nominated Victor Murdock (Kan.). During the debate that ensued before the vote, Norris argued for Murdock's election on a representative basis:

> It seems to me in the distribution of committee appointments on the minority side made by the minority leader at the beginning of this Congress that he gave to one faction, if you can call it so, in the Republican Party the proper representation that they were entitled to and tried to compensate them for the loss they had suffered by reason of punishment that had been inflicted upon them before in the appointment of committees. And in carrying out that plan the gentleman from Illinois (Mr. Mann) gave to the late Judge Madison, of Kansas, this place on the Committee on Rules. It seems now it would be no more than fair, if that appointment were just, and I have heard no one dispute it, that some one representing the same faction of the Republican Party should be selected to fill the place made vacant by the death of Judge Madison.[23]

Mann responded that he did "not regard proportion" in either the original appointments of Madison and Lenroot or in the nomination of Campbell. The appointment of Campbell, he argued, allowed him to free up a needed vacancy on the Banking and Currency Committee.[24] Complicating the contest was the fact that Democrats could vote on filing this Republican vacancy. Underwood argued that the Democrats should abide by the Republicans' method of filling committee vacancies—selection by its party leader—and therefore vote for Campbell.[25] Congressman John Nance Garner (D-Tex.) contended that this was a fight among Republicans and "Democrats should refrain from voting by answering 'present.' "[26] Rules Chairman Henry urged Democrats to support Murdock in exercising their rights under Rule X of the House to elect members of standing committees.[27]

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[20] The membership of the Committee was increased to 11 (7 Democrats and 4 Republicans) in the 62nd Congress.

[21] It was later revealed that the Rules Democrats were so inexperienced during the 62nd Congress that they often went to Dalzell, the ranking Republican, for help in drafting rules. *Congressional Record*. Vol. 48, May 14, 1912, (62nd Congress. 2nd Session), p. 6413.

[22] Herbert Margulies, *Senator Lenroot of Wisconsin* (Columbia, Mo.: University of Missouri Press, 1977), pp. 114–115.

[23] *Congressional Record*, vol. 48 (62nd Congress, 2nd Session), January 11, 1912, p. 856.

[24] Ibid., p. 862.

Campbell won the seat by a vote of 167–106 with 33 members voting "present." Of Murdock's supporters, 81 were Democrats. Interestingly, Lenroot did not enter the debate although he voted for Murdock. When Dalzell failed to be renominated for his House seat in the 63rd Congress, Mann appointed a progressive Republican, Melville C. Kelly (Pa.), to fill the Rules vacancy.

During the 62nd and 63rd Congresses, Mann could afford to be generous in giving Insurgents seats on the Rules Committee. Given the tight leadership control of the Rules Democratic majority, Republicans, Regulars or Insurgents, were not crucial in most decisions on granting rules. In part, however, Mann may have reacted to an offer Underwood made to the Bull Moose Progressives after the 1912 election. Underwood promised to give them important committee assignments if they acted independently of House Republicans.[28]

Similarly, the Rules Committee may not have been as important a committee assignment for Democrats as it had been in the past or would be in later years. Two Democrats left the Rules Committee but remained in the House during this period.

Nevertheless, the Rules Committee continued to make important decisions concerning the consideration of legislation on the House floor. Especially during Underwood's leadership in the 62nd and 63rd Congresses, the Committee carefully processed the Democratic legislative program. This proved particularly frustrating for the Committee's Republicans. As Herbert Margulies contends: "[F]rom the first day of the session, the Democrats made it clear that they would make all major decisions in caucus, so Lenroot, despite the fact of his place on the Rules Committee and his ability in all phases of legislative process, could contribute less than he would have liked."[29]

Not surprisingly, decisions by the Rules Committee were among the major areas where Republicans contested the tight control Democrats held over the workings of the House. In particular, they objected to rules that waived points of order against inclusion of substantive legislation in appropriations bills. During debate of a rule on the legislative, executive, and judicial branches appropriations bill in 1912, Lenroot argued that the Democrats might just as well repeal Rule XXI, which prohibited legislating in an appropriations bill:

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[25] Ibid., p. 855.

[26] Ibid.

[27] Ibid., p. 856.

[28] Margulies, *Senator Lenroot of Wisconsin*, p. 156.

[29] Ibid., p. 116.

> A short time ago we had the first illustration of the progress of the Democratic majority along that line, namely, the Post Office Appropriations bill, when even before any matters had been held out of order, the Committee on Rules was assembled and reported a rule to this House specifying a large number of matters that should be held in order notwithstanding the rules of the House. This morning we find that the majority has taken another step along these lines, and we now have before us a rule abrogating Rule XXI of the House and making everything in the legislative appropriations bill, a bill consisting of 135 pages, in order. Progress, Mr. Speaker, above that line may be satisfactory to the Democratic majority, but I want to ask the chairman of the Committee on Rules, instead of reporting a rule of this kind making everything in order on this bill why do not they squarely offer an amendment to the general rules of the House repealing Rule XXI?[30]

Despite additional objection by Mann and Campbell, the rule was adopted easily.

Ten days later, however, the inexperienced majority on Rules overstepped its authority and was forced to retreat. On a bill to regulate court injunctions, the Committee proposed a rule which provided: "at the expiration of such time the previous question shall be ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion."[31] Mann objected because the rule provided an avenue by which a majority vote of the House could prevent the minority from offering a motion to recommit. The right to offer the motion to recommit, he contended, was protected by a provision incorporated in the rules of the House for the 61st Congress which prohibited the Rules Committee from reporting any rule "which shall operate to prevent a motion to recommit being made. . . ." [32] Chairman Henry alleged that there was no intent to deny a motion to recommit but suggested that if the Committee should report such a rule, the House could by majority vote adopt it.[33]

Speaker Clark and John Fitzgerald, no longer members of the Rules Committee, quickly supported the position taken by the Republican floor leader. Fitzgerald, who had drafted these provisions in the 61st Congress, noted:

> These provisions were designed to prevent two things being done—one was to prevent Calendar Wednesday from being set aside, in an indirect way, by less than a two-thirds vote by a limitation upon the extraordinary powers of the Committee on Rules, and the other was to prevent the Committee on Rules, at times when

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[30] *Congressional Record,* vol. 48 (62nd Congress, 2nd Session), May 4, 1912, p. 5893.

[31] Ibid., p. 6407.

[32] Ibid.

[33] Ibid., pp. 6407–6408.

> partisan advantage would make it politically expedient, to deny to the minority the right to have a vote upon some important matter by bringing in a rule to deprive the minority of that privilege.[34]

This case was the exception. Usually when Republicans complained about rules the Committee reported, they were reminded of how much fairer they were being treated by the Democrats than the Democrats had been treated when Speaker Cannon chaired the Rules Committee. Thus, to Republican complaints about a "gag" rule on a contempt procedure bill, which allowed the Republicans to offer only a single substitute, Henry responded:

> And if your Speaker and his tyrannical Rules Committee, the creatures of his high authority, had given us this bill as now written we would not have asked for the right to offer a single amendment. Every Democrat would have voted for it without protest. . . .
>
> Ah, Mr. Speaker, I am distressed at the situation of the gentlemen on the other side. It grieves me to see my distinguished friend from Illinois (Mr. Mann) gag when we administer to him a sugar-coated dose of his own medicine.[35]

Partisan conflicts such as these tended to unify an otherwise badly split Republican Party prior to the 1912 election and into the 63rd and 64th Congresses (1913-1917). For example, Lenroot, an Insurgent leader, supported the reelection of Mann as floor leader in the 63rd Congress instead of siding with the Bull Moosers. In addition, Lenroot relinquished to Campbell the ranking minority position on Rules which he was in line to fill, although he remained a member of the Committee. In exchange, Lenroot was given the ranking position on the Public Lands Committee.[36]

The 1912 election not only gave the Democrats the Presidency but overwhelming control of the House in the 63rd Congress (291 Democrats, 127 Republicans, and 17 Members affiliated with other parties). The Rules Committee continued to serve Underwood and the caucus in the scheduling of the party's legislative program. Early in the 1st Session, Edward Pou (D-N.C.), the ranking majority member on the Rules Committee, called up a rule making two appropriations bills immediately in order and allowing only forty minutes of general debate on each. Although both bills had passed the House in the previous Congress, one was vetoed by President William Howard Taft, and the other died in conference. The Republicans were outraged by Pou's maneuver, especially when the Democrats admitted to copying the procedure from one used by Republicans under similar circumstances in the 55th Congress (1897-1899). At that time, Lenroot pointed out, "every Member on the Democratic side in that Congress voted against that rule."[37] With a large House majority to support decisions, the Rules Committee could develop procedures to expedite legislation in the 63rd Congress, just as Speaker Reed's Rules Committee had in the 55th Congress.

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[34] Ibid., p. 6408.

[35] *Congressional Record,* vol. 48 (62nd Congress, 2nd Session), July 8, 1912, p. 8719.

[36] Margulies, *Senator Lenroot of Wisconsin.* This is another indication that for minority party members, at least, other committees may have been more important than Rules during this period.

Thus, the Rules Committee proved an important vehicle in the management of President Wilson's legislative program in the 63rd Congress. Because the Democratic majority in the Senate was slim, it was particularly important that Wilson's program be expedited in the House, thus keeping pressure on the Senate. In this respect, the work of the Rules Committee, as well as Underwood's strong leadership of an active party caucus, was critical. The result was the enactment of such landmark legislation as the Clayton Anti-Trust Act, bills establishing the Federal Reserve System and the Federal Trade Commission, the Underwood Tariff Act, and other New Freedom domestic programs. It is hardly surprising that the 63rd Congress is remembered as one of the most productive in American history.

With the Democratic House majority reduced substantially in the 64th Congress, Wilson's proposals did not fare as well. But Rules Committee Democrats remained loyal to the President, even as controversy grew over the United States' involvement in World War I. In one particular case, this support was crucial, and the Rules Committee—for the first time since 1910—became the focus of national attention. Following the sinking of the Lusitania and the Germans' announcement that submarines would attack armed merchant ships without warning, the Wilson administration became involved in negotiating U.S. policy regarding loss of American lives in such incidents. When resolutions were introduced in the House and the Senate calling for the President to warn Americans not to travel on armed ships of the countries involved, President Wilson, not wanting to present a disunified American policy, at first opposed their consideration. However, he soon changed his strategy.

Wilson wrote Pou, then acting chairman of the Rules Committee, to ask for a rule to be granted on the House version of the resolution, which had been introduced by Congressman Jeff McLemore (D-Tex.). The plan was to bring the resolution to the floor and then table it, thus demonstrating congressional support for the President. Wilson even invited Rules Republicans Lenroot and William Bennet (N.Y.) to the White House in an unsuccessful effort to garner bipartisan support.[38] But Democratic support on the Committee was strong enough to carry out Wilson's wishes. On the floor, Republicans led by Campbell tried to force a vote on the McLemore resolution. Their strategy was to defeat the previous question on the rule (special order) as reported by the Rules Committee. Then, as now, when the previous question on a rule was defeated, the minority was allowed to offer a substitute rule. If they succeeded in defeating the previous question, the Republicans planned to propose a rule giving the House the opportunity to vote on the McLemore resolution. But on the vote on the previous question, Democrats, including many of those favoring the McLemore resolution, held together. The previous question was not defeated and the rule, as reported by the Committee, was adopted. Subsequently, the McLemore resolution was tabled.[39]

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[37] *Congressional Record*, vol. 50 (63rd Congress, 1st Session), April 21, 1913, p. 295.

[38] Margulies, *Senator Lenroot of Wisconsin*, pp. 195–197.

Only in rare instances did the Rules Committee oppose President Wilson and the majority party leadership. For example, during the 63rd Congress the Committee reported rules for consideration of constitutional amendments on women's suffrage and prohibition. The former was reported by a 4–3 vote when Martin Foster (D–Ill.) voted with three Republicans.[40] But neither amendment won the necessary two-thirds majority on the House floor (the suffrage amendment even failed to get a majority). These defections from the party line were not terribly significant. They occurred during the lame duck session when Members were no longer under the pressure of an election.

The 1916 election narrowed the Democrats' control of the House considerably, with Members elected under party labels other than the major ones actually holding the balance of votes necessary to elect a Speaker. When the 65th Congress convened in April 1917, Thomas Schall (Minn.), elected as a Progressive in 1916, placed Champ Clark's name in nomination for the Speakership. Schall claimed, "I have always been a Republican and still am a Lincoln Republican," but he argued that with the international crisis facing the country he opposed divided control of the government.[41] With the support of independents, Clark defeated James Mann, the Republican nominee. Schall was rewarded for his efforts with a seat on the Rules Committee as a Democrat. Melville C. Kelly, (Pa.), who had served on the Rules Committee in the 63rd Congress as a Republican, albeit a progressive, also was appointed on the Democratic side in the 65th. In Kelly's case, he had been defeated for reelection to the 64th Congress by a regular Republican and had won back the seat running as a Democrat in 1916.[42]

Clearly, the Rules Committee's composition reflected the coalitional nature of the House during the 65th Congress. But the conduct of the two-to-one Democratic majority on Rules posed few problems for the Wilson Administration. It was on issues such as the military draft that the President faced his real difficulties on the House floor.

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[39] *Congressional Record*, vol. 53 (64th Congress, 1st Session), March 7, 1916, pp. 3689–3700.

[40] Margulies, *Senator Lenroot of Wisconsin*, p. 186.

[41] *Congressional Record*, vol. 55 (65th Congress, 1st Session), April 2, 1917, pp. 106–107.

[42] Kelly returned to the Republican Party following the 1918 election although he also received the Democratic nomination for Congress in that year and in every election through 1932 with the exception of 1924. In 1934 he lost his seat to James Quinn, the Democratic nominee.

From the 62nd to the 65th Congress, in which the Democrats controlled the House, the Rules Committee reflected a strong party orientation. Its role as an instrument of the majority party was not substantially changed by the fact that the Speaker could no longer serve as a member or appoint the other members. Although the Rules Committee had the potential to exercise greater independence from the party leadership, that potential was not realized. A strong caucus and majority floor leader acted as deterrents. And the general cohesiveness of House Democrats gave Rules Democrats little cause to demonstrate their independence. Eventually, the revolt of 1910 and the rules changes during the 62nd Congress led to a significant decentralization of power, which was described by a contemporary observer as "government by party." By the 69th Congress (1925–1927), floor leader, John Tilson (R–Conn.), delegated duties to, and consulted with, a special "board of strategy," which included Speaker Nicholas Longworth (R–Ohio), Rules Chairman Bertrand Snell (R–N.Y.), Appropriations Chairman Martin Madden (R–Ill.), and Rep. James Begg (R–Ohio), who had organized Longworth's campaign for the Speakership. Rep. Tilson also worked with other party members including the Chairman and Secretary of the Caucus, the party Whip, and the members of the Steering Committee. But the decentralizing trend was a gradual one, and the reforms of 1910 had sown the seed for a vastly different House.

Of course, some signs of decentralization appeared well before the 69th Congress. After the dispersal of the Speaker's powers during the 61st and 62nd Congresses, some suggested that the old order had been replaced by a "system of secret government." [43] It was argued that many of the Members who made important political decisions affecting legislation were not elected leaders of the House, but rather of the majority party caucus. Frequently, the general public had no way of knowing who was responsible for important decisions. Prior to 1911, the Members of the House leadership were known to everyone and were "at all times in the open exposed to the pitiless glare of publicity. Every action [they] committed was instantly known throughout the country." [44]

This decentralization of power in the House increased the importance of a developing seniority system. In the past, Speaker Cannon often had appointed Members to committees and committee chairmanships on the basis of factors other than seniority, most notably a Member's personal or party loyalty. In fact, his frequent shuffling of Members from committee to committee and his use of chairmanships to reward or punish them was one of the major complaints against Cannon. Under the new system, a group of Members directed by the floor leader shared the responsibility for making committee assignments. They and the Caucuses relied increasingly on seniority to avoid internecine competition for committee chairmanships. This was especially true after Underwood moved to the Senate in 1917 and less forceful leaders followed in his place. Eventually, the seniority system became so well entrenched that, according to one scholar, during the 1940's "a man acknowledged to be unfit for a key wartime committee chairmanship would still be allowed to assume the post." [45]

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[43] Brown, *The Leadership of Congress*, p. 197.

[44] Ibid., pp. 195–196.

However, during most of the years between the revolt against Speaker Cannon in 1910 and the beginning of the 75th Congress in 1937, "the Committee on Rules, despite minor aberrations, continued to be regarded as a political mechanism for the promotion of the party in control of the House of Representatives." [46] The change in majority party status from the Republicans to the Democrats in the 62nd Congress did little to alter the Committee's role as an arm of the majority leadership. As chairman of the Democratic Committee on Committees, floor leader Underwood saw to it that the Democratic Members assigned to the Rules Committee were men who could be trusted to cooperate with the leadership. Twenty-four years later, newly elected Rules Chairman John J. O'Connor (D-N.Y.) viewed his Committee in much the same light:

> To some of you new members I might state in advance that the Rules Committee is an arm of the leadership of this House. It is sometimes called an "arm" of the administration in power in the Nation. Some people have also referred to it as the "political committee," or the committee which shapes or brings before the House the policies of the leadership of the House and the administration. [47]

Ironically, O'Connor broke with this tradition in the following Congress.

## Republicans Regain Control: 1919–1930

The Democratic Party remained in control of the House and Senate until the election of 1918. When the 66th Congress convened in 1919, Republicans once again controlled both Chambers. After significant successes in achieving passage of his legislative program,

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[45] Joseph Cooper, *Congress and its Committees* (Unpublished Ph.D. diss., Cambridge, Mass.: Harvard University. 1960), p. 94.

[46] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 2.

[47] *Congressional Record*, vol. 79 (74th Congress, 1st Session), January 3, 1935, p. 13.

President Woodrow Wilson encountered increasing difficulties with the Congress over the issues of war and peace to follow.

Leadership was not nearly as centralized under the Republicans, as it had been under the Democrats, especially under Underwood's direction. The Republicans established a five-member steering committee and a committee on committees. Leadership responsibilities were shared by the Speaker, the Majority Leader, the key members of these party committees, and the Republicans on Rules (particularly the chairman). In this environment there was opportunity for the chairman of the Rules Committee to be more influential than had been the case during the four Democratic Congresses. And it did not take long for Phillip Campbell (R-Kan.), the new Rules chairman, to demonstrate his position's leadership potential. Campbell's strength as chairman resulted from his years of experience on the Committee. He had been a member of it since 1911 and the ranking minority member since 1913. By comparison, the seven other Republicans on Rules were inexperienced; only one, the resilient Thomas Schall, had served on the Committee for an entire Congress—and that was as a Democrat.[48]

For the most part, Campbell used his position to foster the Republican legislative program in coordination with the formal party leaders. In this sense, Campbell and his Republican colleagues were in as firm control of Committee decisions as the Democrats had been and acted on behalf of their party leaders to advance or retard the progress of legislation.

Debates often were heated in the Committee room and on the floor, especially on issues of strong partisan interest. Minority Members' frustrations came through clearly in these exchanges. Rep. R. Walton Moore (D-Va.) described the situation in 1924 in a complaint similar to those of many of the minority party members:

> "Now [the Rules Committee] is made up so at this moment the minority is helpless. In spite of the membership on the minority side, we have but four representatives on that committee composed of twelve, and we will be absolutely helpless if the committee after having acted is so much directed in its course by the political powers that are back of it. . . ."[49]

Such frustrations were to be expected so long as the Rules Committee acted to a great extent as "an agent of strategy for the majority party."[50]

The majority on Rules was so secure that the Committee frequently conducted business without a quorum present. Early in the 67th

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[48] Schall was elected to the House in 1918, 1920, and 1922 as a Republican and served on the Rules Committee during the 66th, 67th and 68th Congresses. In 1924 he was elected to the U.S. Senate where he served until 1935 (69th to 74th Congress).

[49] *Congressional Record*, vol. 65 (68th Congress, 1st Session), January 14, 1924, p. 950.

[50] Van Hollen, *The House Committee on Rules (1933-1951)*, p. 3.

Congress, Rules Member James C. Cantrill (D-Ky.) chided the Republicans about this:

> . . . I do wish to call the attention of the House and especially of the side of the House, which upon all occasions before the election and since the election has boasted to the country of the efficiency of the Republican Party and what they intended to do for the benefit of the country, to the fact that I believe I am within the realm of truth when I say that so far as the Committee on Rules is concerned there has not been a quorum of that committee unless the Democrats on that committee went to the committee room to make a quorum in order to help that side of the House do the business which the country is demanding of you. Why, gentlemen, this very rule that is here before the House today is brought in without the action of a quorum of the Committee on Rules.[51]

Republican Rules Members "hardly ever attend the meetings," Cantrill charged, and "lots of times we bring in rules without a quorum. . . . "[52] To these accusations the Republicans responded. Cantrill should not overlook, argued Simon D. Fess (Ohio), "the fact that since November his side of the House has been so completely subdued that it does not need a quorum to do business in the Committee on Rules."[53] Chairman Campbell then claimed that the quorum problem was not new:

> The difficulty in securing a quorum in the Committee on Rules did not begin in either the Sixty-sixth or Sixty-seventh Congress. That difficulty was quite manifest in the Sixty-fourth and Sixty-fifth Congresses. . . .[54]

Meetings were sometimes called suddenly, not all members could be notified, and the minority chose "to expedite the business of the House by not raising the question of a quorum . . ." said Campbell.[55] Democratic Rules Member Finis J. Garrett (Tenn.) however, chose to differ with the chairman's recollection, contending that he could not remember the Democrats failing to have a quorum on the Rules Committee when they were in the majority.[56]

Again in 1922, Rules Committee attendance became the subject of floor debate. Rep. Louis Cramton (R-Mich.) made a point of order against the consideration of a rule because a quorum of the Rules Committee had not been present when the rule was granted. Debate then ensued over whether the Rules Committee could conduct business without a quorum present if the question of a quorum was not raised and whether every House member has the right to made a point of order regarding the absence of a quorum in a committee even though that individual is not a member of the committee.[57] Campbell charged, however, that "if the House expects the Committee on Rules to aid the House in the transaction of the business, the House must provide a Committee on Rules that can secure a quorum of its members." [58] He noted that during the war he, Edward Pou (D-N.C.), and one or two others had to act on behalf of the Committee. Pou claimed as Garrett had a year earlier, that when he chaired the Committee, "the first business in order was the calling of the roll, and that if a quorum was developed the committee proceeded. . . . If a quorum was not developed, then no business was transacted."[59]

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[51] *Congressional Record,* vol. 61 (67th Congress, 1st Session), May 3, 1921, p. 976.

[52] Ibid.

[53] Ibid.

[54] Ibid.

[55] Ibid.

[56] Ibid., p. 980.

[57] *Congressional Record,* vol. 62 (67th Congress, 2nd Session), June 17, 1924, p. 8924–8927.

Several significant conclusions can be drawn from these Rules Committee quorum debates. First, prior to 1910, attendance had not been a problem. With only five Members, including the Speaker, the Committee could easily call an emergency meeting or obtain a quorum. Second, Rules Members had other committee assignments that competed with Rules for their time. For example, in the 66th and 67th Congresses all the Rules Republicans except Campbell sat on at least two other committees, and a number of them were chairmen. Pou was the only Rules Member who did not serve on any other standing committee. Third, the minority party generally recognized the right and responsibility of the majority party to schedule legislation and organize the House. Only with this norm generally accepted would a Rules Committee conduct business without a quorum or depend on the minority party to make the quorum.

Above all, however, the quorum debates give some indication of the powers that rested in Campbell's hands. As chairman, he called the meetings, he saw to it that the Members were notified, and he reported the Committee's decisions to the House. Campbell used the chair as an independent base of power. Simply by refusing to report Rules decision to the House, Campbell could effectively thwart the will of a majority of his committee and of the House. And on occasion, Campbell was willing to exercise that authority.

On May 3, 1922, during the 67th Congress, the majority of the Rules Committee Members voted to report a rule providing for consideration of the Woodruff-Johnson Resolution. That resolution called for an investigation of the Justice Department. Chairman Campbell effectively "pocket vetoed" the resolution by literally keeping it in his pocket until the Committee later rescinded its earlier action.[60]

Replying to cries of outrage from the House, Chairman Campbell stated: "Even though every Member wants this investigation, what will that avail you? I have the resolution in my pocket and shall keep it there." [61] His reply to complaints from Members of the Rules Committee was even stronger: "You can go to . . ., it makes no difference what a majority of you decide, if it meets with my disapproval, it shall not be done; I am the Committee, in me reposes absolute obstructive powers." [62]

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[58] Ibid., p. 8927.

[59] Ibid., p. 8928.

[60] The chairman's "pocket veto" is not to be confused with the constitutional veto power of the President.

On May 26, 1922, Representative Royal O. Johnson (R-S.C.), one of the sponsors of the resolution, and a Rules Committee Member, complained about this tactic and cited a ruling by Speaker Reed in 1891 that "failure to present the report of a committee within a reasonable time gave rise to a question of privilege."[63] Speaker Frederick M. Gillett (R.-Mass.) responded that the Rules Committee had ordered a number of resolutions reported during the previous weeks, some of which were approved by the Committee before the special rule for consideration of the Woodruff-Johnson Resolution. If a Member could claim, as a matter of privilege, that one of a number of special rules adopted by the Committee should be reported immediately, because it was being withheld for an unreasonable period of time, "the business of the House would be in confusion." Furthermore, since the House had been considering measures the Committee had acted on before the Woodruff-Johnson Resolution, "it is preposterous to claim that a gentleman can rise as a matter of privilege and say that the chairman of the Committee on Rules is unreasonable in not bringing up this junior rule." Thus, the Speaker upheld Campbell's actions.[64]

The Woodruff-Johnson Resolution was not the only measure Chairman Campbell blocked. Among the other measures stalled by Campbell was the Volstead bill on prohibition. Campbell refused to report a special rule for this bill unless the Judiciary Committee, chaired by Andrew Volstead (R-Minn.) agreed to add several specific amendments. The bill eventually was considered under suspension of the rules instead.

With regard to the Woodruff-Johnson Resolution, one could argue that Campbell was working in concert with the House Republican leadership and served as the scapegoat. Regardless of whether that is an accurate interpretation or whether Campbell was truly acting independently, the performance had credibility. House Members recognized that the chairmanship of the Committee on Rules had become a position of power.

At most times, however, it was clear that Campbell was working in close coordination with the Republican leaders to further the party's legislative goals. In such cases the conflict that occurred was strictly partisan. For example, in the lame duck 3rd Session of the 67th Congress, Campbell called up a rule to provide for consideration of a bill to amend the Merchant Marine Act to which Rules Democratic Members were strongly opposed. The rule allowed for three days of general debate, for three days of consideration under the five-minute rule for amendment, and for a vote on the bill at a specific date and time. Pou, recognizing that "nothing that anyone could say would change the determination of the majority to put through this rule," nevertheless argued that it did not provide enough time for debate.[65] Others contended that the Republicans would use the time available to filibuster with trivial amendments, thus preventing the consideration of key Democratic amendments before the time scheduled for the vote.[66] The reasoning for the rule was clear, however. Republicans needed to enact the legislation before the end of the lame duck Congress because the Democrats had gained 74 House seats in the 1922 election. By fixing the time of the vote and by limiting the opportunity for Democrats to offer amendments, Campbell and his Republican colleagues on Rules ensured that the legislation would move expeditiously.

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[61] Floyd Millard Riddick. *The United States Congress: Organization and Procedures* (Manassas, Va.: National Capitol Publishers, 1949), p. 123.

[62] Ibid.

[63] Clarence Cannon, *Cannon's Precedents of the House of Representatives of the United States*, vol. 8 (Washington, D.C., Government Printing Office, 1935), p. 75.

[64] Ibid., pp. 75–76.

The quorum controversy and the power of the chairmanship were by no means the only indications of significant changes in the Rules Committee during the Congresses immediately following the Republicans' return to control in the House. Speaker Gillett's rulings involving the Rules Committee in the 66th and 67th Congresses strengthened its influence in the House. The most important of these rulings reenforced the Committee's authority to report a special order on legislation which had not been referred to it. The Speaker overruled the point of order lodged against the Rules Committee:

> because the Committee on Rules is the executive organ of the majority of the House. If it were held that it could not act until subject matter had been referred to it, then it would be impossible for it in the morning before a session to make a new decision to bring in a rule which is often necessary and desirable at the first meetings of the House.[67]

Gillett's ruling came as no surprise. Earlier he had held in 1920 that the Rules Committee could provide a rule for consideration of a bill that had not even been introduced and was in line with a ruling by Speaker Crisp in 1895.[68]

In addition, other rulings of the Speaker made it possible for the Rules Committee to dispense with Calendar Wednesday indirectly. The Calendar Wednesday rule was adopted in 1909 to give standing committees an opportunity to bring legislation to the floor which they had reported but to which the Rules Committee had not granted a rule. The Rules Committee had been prevented from abrogating Calendar Wednesday except by a two-thirds vote of the House or from denying a motion to recommit when the previous question was pending on final passage.[69] However, in 1920 Speaker Gillett ruled on a Rules Committee resolution which provided that for legislative days after a given date the Speaker could entertain motions to suspend the rules under the general rules of the House. In effect, the resolution would allow the Speaker to entertain motions to suspend the rules on Calendar Wednesday, use up to the whole day, and thus dispense with Calendar Wednesday indirectly. Gillett ruled that this was acceptable because the Rules Committee was not directly dispensing with Calendar Wednesday. This resulted "as a minor part of its operation" in providing a general resolution.[70]

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[65] *Congressional Record.* vol. 63 (67th Congress, 3rd Session), November 22, 1922, p. 38.

[66] Ibid., p. 40.

[67] Cannon, *Precedents of the House of Representatives, vol. 8, p. 834.*

[68] Ibid., p. 835.

In sum, during the Republican 67th and 68th Congresses the Rules Committee was stronger than it had been since the 1910 revolt. It still served as a reliable agent of the majority party. But a strong chairman and rulings by the Speaker indicated the power the Committee could exercise over the scheduling of House business.

## Reforming the Rules of the House

The Rules Committee's importance during these Republican Congresses was not limited to its scheduling function. It was also involved in considering and proposing changes in the rules of the House, the most extensive of which was made during the 68th Congress (1923–1925). Once again, the Rules Committee found itself in the middle of a controversy between majority rule and minority rights, just as it had in the 1880's, 1890's, and in the 1909–1911 period. In this case, the results of the 1922 election served as the catalyst for reform.

When the 68th Congress convened on December 3, 1923, the Republican House majority had slipped to less than 20 seats from the safe 170-seat margin the party had enjoyed in the previous Congress.[71] Twenty-five progressive Republicans took advantage of the situation to delay the election of the Speaker. Of that group seventeen consistently voted for Rep. Henry Cooper (R-Wis.), five for Rep. Martin Madden (R-Ill.)—although against his wishes—and three merely answered "present" during eight ballots. During this time neither former Speaker Gillett nor Rep. Garrett led the other by more than two votes and neither could garner a majority. Although the Progressives knew that neither Cooper nor Madden could be elected, their tactic effectively delayed the business of the House for two days.

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[69] Ibid.

[70] Ibid.

[71] There were 225 Republicans, 205 Democrats, 1 Independent, 1 Farm-Labor, 1 Socialist, and 2 vacancies at the beginning of the 68th Congress. *Congressional Directory* (68th Congress, 1st Session) 1st edition, December 1923.

Behind this delay was the desire on the part of the Progressives to force a liberalization of the rules of the House. Their primary goals were:

> to transfer the present power of the majority party's steering committee [which worked closely with the Speaker and the Rules Committee] to the majority of the House, so that a majority of the House members can get a committee to report on any bill, to make it easier to have measures reported from committees to the House, and to give Members a better chance to offer measures and amendments.[72]

After the second day of fruitless balloting, Republican Majority Leader Nicholas Longworth (R-Ohio) met with some of the Progressives to work out a compromise. In return for their support of Gillett, Longworth promised that the rules of the previous Congress would remain in effect only for thirty days, during which time all Members could present proposals for changes in the rules to the Committee on Rules, which would hold extensive hearings. Moreover, Members would be allowed to offer amendments on the House floor to the recommendations the Rules Committee reported.

As in 1911, appointments to the Rules Committee apparently were among the concessions made by the leadership. John M. Nelson, a leader of the Progressives who became Robert La Follette's campaign manager in the 1924 presidential election, was given a seat on Rules. He was among those who had voted for Cooper in the Speakership contest. (Not surprisingly, Nelson was removed from the Rules Committee at the start of the 69th Congress. The Republican Party had increased its House seat total in the 1924 election to 247 and chose to discipline these Progressives, especially those who had openly supported La Follette.)[73]

With these agreements struck, the House reelected Frederick Gillett to the Speakership on the ninth ballot. And in keeping Longworth's side of the bargain, the Rules Committee began hearings on proposals for changing the House rules.

## The Rules Changes of 1924

Bertrand Snell (R-N.Y.) had replaced Philip Campbell (R-Kan.) as Chairman of the Rules Committee after the latter's defeat in the

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[72] "New Bosses in Congress," *Literary Digest*, vol. 79, no. 13, December 29, 1923, p. 8.

[73] Nelson was first stripped of his chairmanship of the Committee on Elections by the Repbulican conference because of his support for La Follette. In addition, Progressives were told that their committee assignments would depend on their supporting Longworth for Speaker. Thirteen, including Nelson, refused and supported Henry Cooper (Wis.).

Kansas primary. Under Chairman Snell, the Committee held several days of hearings in December 1923 and January 1924. In his opening statement at the beginning of debate in the full House, Snell reported that his committee:

> approached this proposition [for rules reform] with an absolutely open mind and with an honest and earnest desire to as far as possible reconcile the various opinions of the different elements of this House at the present time and present a report that was fair to all and would be accepted by the Members of the House.[74]

He also expressed the desire to "have rules of the House that will amply protect the individual and at the same time protect the House itself against individuals." [75]

Although many amendments were introduced, only twenty-two changes in the rules were presented to the House by the Committee on Rules on January 14, 1924.[76] Most of them involved "housekeeping" changes, i.e., changes in the size and/or name of committees. Two items called for the creation of a new standing committee with jurisdiction over the problems of World War I veterans.[77] However, three other amendments were the subject of great controversy both in the Rules Committee hearings and during the five days of floor debate in January. These items were a limit on the Rules chairman's ability to "pocket veto" a resolution from his committee, a restriction on the "snapping" of bills by the Rules Committee, and changes in the discharge rule designed to make it more workable. In the case of the discharge rule, the version finally reported by the Committee was the result of its study of several proposals.

The first of the Committee's proposed changes curtailed the arbitrary powers of its own chairman to thwart the will of a majority of his Committee and of the House. Clearly, Chairman Campbell's attitude and his use of his position were among the causes of the emotional climate in the House which made the rules changes possible. Rep. Thomas Blanton (D-Tex.) complained that the Chairman had "kept the rule in his pocket and choked the will of Congress and laughed at us when we insisted that he obey the rules as a servant of his House, and we were absolutely helpless." [78] Blanton's comments seem to have summed up the feelings of many Members on both the "veto" and the Chairman's use of it. The Rules Committee and the House voted to deprive the Rules Chairman of the pocket veto.

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[74] *Congressional Record,* vol. 65 (68th Congress, 1st Session) January 14, 1924, p. 944.

[75] Ibid.

[76] Proposals submitted to the Rules Committee but not included in its report included a prohibition against use of the closed rule by the Committee, an increase in the number of objectors (from one to five) needed to strike a measure from the Consent Calendar, a proposed Committee on the Budget, and creation of a Committee on the Revision of the Rules to study permanent changes in the rules of the House.

[77] *Congressional Record,* vol. 65 (68th Congress, 1st Session), January 14, 1924, pp. 943–944.

[78] Ibid., p. 1137.

Where previously there had been no limit on the time a report from the Committee on Rules could be held before being submitted, the new rule required that a report be presented to the House within three legislative days after the Committee ordered it reported. If the special rule was not considered immediately by the House, it was put on the calendar. Within nine days of being reported, the special rule was to be called up by the Member designated by the Committee to make the report. If he failed to do so, another Committee member could then call the measure up for consideration.[79] There still could be some delay before a measure was brought before the House, and this could have been critical at the end of a Congress. However, Chairman Snell assured the House during the debate that the new rule "absolutely does away with any possibility of a pocket veto by the chairman of the committee and fully protects the committee if the person authorized to call up a resolution does not do so within a prescribed time."[80]

The second controversial change in the rules was introduced by Representative R. Walton Moore (D-Va.). His proposal prohibited consideration of a special rule on the same day it was reported by the Rules Committee, unless its consideration was approved by a two-thirds vote of the Members present and voting. Or, in the words of Representative Edwin Davis (D-Tenn.), the amendment would prevent, "those who know nothing about [a measure] from being taken by surprise."[81]

Representative Moore illustrated the problem by describing a frequent scenario:

> ". . . The Rules Committee would often meet at 10 o'clock in the morning and they would pass a resolution relative to the consideration of some measure. And that resolution would be forthwith, when the House met, presented . . ., and the measure brought on for consideration immediately. There was no notice at all in advance."[82]

During the Rules Committee hearings on the proposed rules changes, Chairman Snell and Representative Moore discussed whether a change of the rules was necessary:

> Mr. Moore. Mr. Chairman, you can not recall many cases in the 1st Congress where it was necessary to take [a measure] up on the same day.
>
> The Chairman. I can recall there have been a great many times where it has been absolutely necessary if the House was to function to present special rules immediately.
>
> Mr. Moore. I would be glad to have the publicity bureau look over the record to see in how many instances there existed what might properly be called an

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[79] Rule XI, cl. 4(c) on December 8, 1931, this rule was amended so that "Adverse reports may be called up by a Member of the House on discharge days." (Cannon, VIII, p. 73).

[80] *Congressional Record,* vol. 65 (68th Congress, 1st Session), January 18, 1924, p. 949.

[81] Ibid., p. 1140.

[82] U.S. Congress, House, Committee on Rules, *Revision of the Rules,* 1924, p. 11.

> emergency so much as just the desire of the Rules Committee to function at that time.[83]

Rules Chairman Snell objected to the Moore amendment because he felt it would prohibit a majority in the House from acting when it wished or in an emergency. However, it was Representative Moore's contention that when "anything that can be designated as an emergency [is reported], two-thirds of the Members will recognize that fact and can agree that the matter be taken up immediately."[84] Although the Committee on Rules had refused to report his amendment, Representative Moore introduced it during debate in the full House and it was adopted by a teller vote of 141 to 114.[85] In this case, protecting the interest of the minority was considered more important than expediting the will of the majority.

The discharge procedure was the third area of major change in the 1924 rules revisions. In general, a discharge procedure provides a means for bringing legislation to the House floor which a committee had not as yet reported, thus discharging the committee from further consideration of the measure and bringing it up for floor consideration. In 1924, the discharge procedure already had a lengthy history in debates over House rules changes.

As early as the 1880's, Representative Oscar Turner (D-Ky.) introduced a simple discharge procedure. At least four times he introduced it, and each time the Rules Committee refused to act. Turner's procedure provided that the sponsor of a measure could offer a motion to discharge a committee from further consideration of a bill if the committee did not report the bill or recommit it.[86] In a statement representative of the arguments favoring a discharge procedure that would be heard for years to come, Turner said:

> No member will for a moment deny that the voice of a majority of this House ought to control in all matters of legislation. . . . If a majority of the committee are opposed to the bill, they simply pocket it and refuse to report it back and by their action prevent a majority of this House from voting for a public bill or resolution that a large majority may be in favor of.[87]

However, it was not until June 17, 1910, that the House adopted a discharge procedure; it was amended several times during the next twenty-five years.

In the reform oriented 61st Congress, the enlarged Rules Committee, chaired by Representative John Dalzell, was under pressure both from the House in general and from Committee Democrats to introduce a discharge procedure. Several Members already had introduced measures providing for a variety of discharge procedures. In the words of Democratic Minority Leader Champ Clark:

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[83] Ibid., pp. 25-26.

[84] Ibid., p. 12.

[85] *Congressional Record,* vol. 65 (68th Congress, 1st Session), January 18, 1924, p. 1141. Rule XI, clause 4(b). Included in H. Res. 988, the Committee Reform Amendments of 1974 was a limitation on the application of this Rule to orders of business, special rules, and joint rules, effective January 3, 1975. H. Res. 998 was adopted on October 8, 1974. *Congressional Record,* vol. 120 (93rd Congress, 2nd Session), Oct. 8, 1974, p. 34470.

[86] *Congressional Record,* vol. 15 (48th Congress, 1st Session), February 7, 1884, p. 964.

[87] Ibid.

> When it became apparent that Members were anxious to have a rule on the subject reported before the end of this session, the Democratic members of the Committee on Rules the day before yesterday [June 15, 1901] spent four whole hours in cogitating about this rule, and the result of that cogitation was that I introduced this rule into the House myself.[88]

The proposal sent to the House was the result, again in Clark's words, of a "prolonged session of the entire Committee on Rules. . . ." during which the Committee members "worked hard and long to do the best we could with a delicate and difficult question."[89] The Committee studied discharge proposals introduced by several Members, and then introduced its own resolution incorporating some of those ideas along with "some suggestions of every member of the Committee. . . ."[90] The Committee's resolution was debated by the full House and passed by a division vote.

The procedure adopted in 1910 was complex. To discharge a committee, a Member first had to give a written motion to the Clerk of the House at anytime after the bill was referred to a committee. The motion would then "be entered in the Journal and printed on the [House] Calendar under an appropriate heading."[91] After the motion had been on the Calendar for at least seven days, it could be called up for debate on any Monday after the call of the Consent Calendar. However, before the motion could be brought before the House, a second by majority was required. If a second was ordered, debate on the motion was limited to twenty minutes, divided equally between proponents and opponents. Following the debate, a favorable vote by a majority of the House was required to discharge the committee. Only then would the legislation be placed on the appropriate calendar. Then, upon call of the committee from which the bill had been discharged, the legislation could "be called for consideration by any Member prior to any bill reported by said committee at a date subsequent to the discharge of said committee."[92] It is of little wonder that the procedure was used rarely.

At the time the discharge procedure was adopted, Swagar Sherley (D-Ky.) pointed to what he considered to be a major omission. The Committee's proposal could be applied only to bills and joint resolutions, but not to simple resolutions. Thus the House still could not amend its own rules "except upon the initiative of the Rules Committee . . . after they are once adopted; this could have been effected by making the rule apply to resolutions as well. . . ."[93] The procedure also could not be used to discharge special rules from the Committee.

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[88] *Congressional Record,* vol. 45 (61st Congress, 1st Session), June 17, 1910, p. 8441.
[89] Ibid.
[90] Ibid.
[91] Ibid., p. 8439.
[92] Ibid.

"It is clear to anyone who knows the rules of this House that the adoption of this rule is a material advance forward," Sherley argued.[94] Other Members seemed to agree that it was a step in the right direction: a roll call vote was not required for its adoption. As Champ Clark pointed out, the rule could always be changed if necessary. And in fact, minor revisions were made in 1911 and again in 1924.

The changes in the discharge procedure adopted by the House in 1924 were indeed significant ones. First, to give the standing committees a fair chance to act before being discharged, the rules change delayed initiation of the discharge procedure until thirty days after the measure was referred to the given committee. Second, the use of the petition process was initiated. This replaced the requirement of a majority second by tellers and thus allowed those seeking the discharge the opportunity to build support gradually. Third, the new procedure required that only 150 members sign the petition before it became effective. This made it possible for a minority of House Members to use the discharge procedure as a means of allowing the entire House to decide whether it was willing to consider a piece of legislation. With House floor activity open to public scrutiny, Members, who otherwise would have preferred that the given piece of legislation remain bottled up in committee, might feel obligated to vote to discharge. Further, in a related change, only the votes of a majority of a quorum instead of a majority of the entire House membership was required to discharge a committee. Fourth, the order of business was changed. The Discharge Calendar was moved ahead of both the Consent Calendar and motions to suspend the rules, where it had been placed in 1912 after a series of dilatory moves by Minority Leader Mann, designed to discredit the discharge rule, had succeeded in tying up the business of the House. Fifth, immediate consideration of a measure that had been discharged from a committee could be moved by any Member who signed the petition. Under the previous rule, such a measure was placed only on the appropriate calendar, without any assurance that it would be considered on the floor. Sixth, the procedure was applied to resolutions for the first time, which now made the Rules Committee as vulnerable to discharge as the other committees. With these six changes in the discharge procedure, either a political or party minority in the House gained new opportunities to influence the scheduling of legislation on the floor.

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[93] Ibid., p. 8443.
[94] Ibid.

Although the discharge procedure established in 1924 is still operative today, it went through a number of changes between 1924 and 1935. Some of these changes occurred after the period of Republican Congresses and affected Rules Committee operations.

Surprisingly, despite the 1924 changes in the discharge procedure, especially its extension to resolutions, the Rules Committee was not successfully discharged from consideration of a bill or resolution until 1932. In part, this was due to the fact that the Republicans, once again in firm control of the House at the start of the 69th Congress in 1925, raised the number of signatures required on a discharge petition to 218—a majority of the House membership. When the Democrats regained control of the House in the 72nd Congress (1931–1933), the signature requirement was lowered to 145—a third of the House membership. The Democrats, many of whom had complained bitterly about the earlier 218 signature requirement, also added a special procedure for discharging the Rules Committee. Under it, the Rules Committee could be discharged from consideration of any measure "which has remained in a standing committee for thirty or more days," so long as a resolution providing for its consideration has been referred to the Rules Committee seven days previously.[95] In other words, if a standing committee refused to act on a bill, after the committee had had the measure for thirty days, a Member could introduce a resolution for the consideration of that measure which would be referred to the Rules Committee. After that resolution had been in the hands of the Rules Committee for seven days, a discharge motion could be presented to the Clerk of the House to discharge the Committee of the resolution. This alternative discharge procedure would eliminate the possibility that once a bill had been discharged from the committee of jurisdiction, it could be held up in the Committee on Rules. It also gave Members the opportunity to bring to the floor non-privileged measures that had been favorably reported by the committee of jurisdiction, but not acted on by the Rules Committee.[96]

Two discharge petitions were used to try to pry measures out of the Rules Committee later during the 72nd Congress. On March 8, 1932, a motion was made to discharge the Rules Committee of the rule for consideration of a bill, appropriating funds for drainage and irrigation bonds, which the Committee on Irrigation and Reclamation had reported unanimously. Probably because the bill was written to benefit only specific areas, the Rules Committee had refused to report it. Chairman Pou expressed the sentiments of his Committee:

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[95] *Congressional Record*, vol. 75 (72nd Congress, 1st Session), December 7, 1931, pp. 10–11.

[96] Ibid., Dec. 8, 1931, p. 83.

> The members of the Committee on Rules, in exercise of our conscientious legislative duty as we saw it, have not seen fit to give preferential status to this measure. I am willing to stand until doomsday to keep off the floor of this House all measures except those which are absolutely necessary to run the government. If you wish to discharge the Rules Committee, that is your providence.[97]

The Committee's judgment in this matter was upheld by a vote of 133-204, although at least 145 Members had signed the discharge petition.[98]

A second discharge petition directed against the Rules Committee was the only one not to be voted down by the House during the 72nd Congress. The measure in question was the soldiers' bonus bill. This bill, which had been reported adversely by the Ways and Means Committee, would have provided immediate payment to veterans of the face value of their adjusted compensation certificates. Over two billion dollars in Treasury notes were to be issued to finance this bonus, which was intended to aid veterans during the Depression. The Committee on Rules was requested to report a special order for the consideration of the bonus; the Committee refused. The House successfully invoked the discharge rule, adopted the resolution, and passed the bill.[99] But the bill did not pass the Senate.

The final change in the discharge rule was adopted in 1935, when the majority party Democratic leadership reached the same conclusion the majority party Republican leadership had reached in 1925. The number of signatures required on the discharge petition was raised for the last time to "a majority of the total membership of the House." [100] A year later this was interpreted by Speaker Joseph Byrns (Tenn.) to mean 218 members.[101] Put simply, the majority party recognized that allowing fewer signatures was too big a concession to either a political or party minority.

By the time the Republicans lost control of the House in the 1930 election, the Rules Committee's importance in the House had grown substantially. Although the reforms of the 68th Congress reined in the Committee's chairman somewhat, Campbell, during the two Congresses in which he served in that position, had demonstrated its potential for influence. This continued when Snell succeeded Campbell as Rules Chairman. The effect of the rules reforms of 1924 were more than offset by the fact that in the 69th Congress the Rules Chairman was formally made a member of the Republican leadership, a position informally held in the preceding Congresses by Campbell. Snell met with the Speaker and Majority Leader as an integral component of the Republican "board of strategy" in organizing the party's legislative program.[102]

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[97] Ibid., March 28, 1932, p. 6948.

[98] Ibid., pp. 6948-6949.

[99] E. Pendleton Herring, "First Session of the Seventy-second Congress, December 7, 1931, to July 16, 1932," *American Political Science Review*, vol. 26, no. 5 (October 1932), pp. 852-853.

[100] *Congressional Record*, vol. 79 (74th Congress, 1st Session), January 3, 1935, p. 13.

[101] *Congressional Record*, vol. 80 (74th Congress, 2nd Session), April 15, 1936, p. 5510.

The Committee under the Republicans from 1919 to 1930 continued to act as a party vehicle as it had during the four Democratic Congresses from 1911 to 1918. It used special orders to expedite the programs of three Republican Presidents, and, as in the case of the Woodruff-Johnson Resolution, it blocked potentially embarrassing legislation from reaching the floor. But the Committee was more active under Republican rule. Instead of largely responding to the requests of the majority party leader and the party caucus, the Rules Committee, with its chairman a part of his party's leadership, began to take the initiative.

Whatever influence the Rules Committee had lost when the Speaker was removed from it in 1910 was gradually returning in the next decade. Perhaps the most significant indicator of the change can be seen in an examination of the Rules Committee's membership. Prior to the 1910 revolt, Rules Committee Members were also the leaders in the House. In the years following the revolt, most of the Committee's new members—with the exception of Pou, Lenroot, Campbell and a few others—did not have distinguished legislative careers. But as time passed, Rules Committee membership began taking on a renewed status. It did not return to being a committee composed of individuals who were already established House leaders. Instead it became the training and recruitment ground for future House leaders. Of those who served on the Rules Committee in the 1920's, William Bankhead (D-Ala.) and Joseph Martin (R-Mass.) later served as Speaker of the House. In addition, Garrett and Snell as well as Bankhead and Martin became floor leaders for their parties. The Committee recouped both importance in the House and status for its members.

## FDR and New Deal Legislation

With the onset of the Great Depression, Republican political fortunes, which had thrived during the Roaring Twenties, suddenly collapsed. And, as in most eras of political change in America, the effect was felt first in the House of Representatives, where all 435 seats are up for election every two years. In 1930, the Democrats were able to pick up over 50 seats and for the first time in twelve years to win control of the House. But in the Senate, where only one-third of the seats can be contested at one time, Republicans retained a one-seat margin in the 72nd Congress. And Republican President Herbert Hoover still had two years to run on his term. These were not ideal conditions for the Democrats to push their legislative program through the House.

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[102] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 30.

Nevertheless, House majority Democrats again controlled the Rules Committee. Edward Pou, who throughout the twelve-year period of Republican control served as the ranking minority member of the Committee, was re-elected its chairman. Pou, a member of Rules since 1911 and its chairman in the 69th Congress (1917–1919), was well aware of the influence the Committee could exercise. However, for the most part he would have to conduct a holding operation for two years until Democrats won the presidency and control of the Senate. Aside from modification of the discharge rule, the most significant change in the Rules Committee in the 72nd Congress involved the addition of four new Democratic members. Of the four, three were southerners, one of whom was Edward Eugene Cox (Ga.). Although seemingly insignificant at the time, these appointments would be of critical importance in the future. Cox would become the leader of the Southern Democratic-Republican coalition in the House, and the seniority and placement of Southern Democrats on key committees would receive much attention. However, the split between northern and southern Democrats had not yet occurred, and the conservative coalition would not form until 1937. Thus, in the 72nd Congress, southerners' control of five of the eight Democratic seats on the Rules Committee was not deemed particularly significant. Nor was the fact that in the years since 1910, the seniority system had taken root as the method of determining committee leadership.

With the election of Franklin Roosevelt as president in 1932 along with 310 Democrats in the House, the Rules Committee became a key force in expediting the new administration's programs. During the 73rd Congress (1933–1935), ". . . the Committee on Rules was a more positive promoter of the administration's program than at any other period in its lifetime."[103] However, the 73rd and 74th Congresses would be the last two Congresses during which the Rules Committee could be depended on to act as an arm of the majority for many years.

When Franklin Roosevelt was sworn in as the 32nd President on March 4, 1933, the Great Depression had reached its lowest point, and there was a strong sense of despondency and apathy in the country. One indication of the severity of the crisis was that by the day of Roosevelt's inauguration, "thirty-eight states had closed their banks, and banks operated on a restricted basis in the rest."[104] The country seemed to be in the midst of an endless downward spiral. The primary purpose of Roosevelt's inaugural address seems not to have been to set forth a detailed recovery program—he did discuss his program, but in terms "so vague as to be open to any interpretation"[105]—but rather to instill a sense of hope and optimism in the nation.[106]

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[103] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 135.

Within hours of his inauguration, the new President issued his first two Presidential proclamations. The first called a special session of Congress to convene five days later, on March 9; the second declared a national bank holiday.[107] When Congress convened it received the President's emergency banking bill almost immediately. Consideration of the measure began even before the adoption of the rules of procedure. Copies of the measures were not available; "[t]he Speaker recited the text from the one available draft, which bore last minute corrections scribbled in pencil."[108] The measure passed the House by a voice vote after less than forty minutes of debate. It passed the Senate later that afternoon, and was signed into law by the President that evening. Thus began the 1st Session of the 73rd Congress, frequently referred to as the "First Hundred Days."

To understand both the dispatch with which Congress passed the Emergency Banking Act in 1933 and the role the Rules Committee would play during the next three years, it is first necessary to understand the urgency with which both the country and the Congress were seeking a strong leader; in Roosevelt they found him. One of the most often quoted comments of the time is also one of the most indicative of the mood of Congress; it was made by Governor Alfred M. Landon of Kansas, later to become the Republican Presidential nominee in 1936:

> Even the iron hand of a national dictator is in preference to a paralytic stroke . . . If there is any way in which a member of that species, thought by many to be extinct, a Republican governor of a mid-western state, can aid [the President] in the fight, I now enlist for the duration of the war.[109]

Landon was not the only one to view the economic crisis as a war. Former New York Governor Al Smith, the 1928 Democratic nominee, asked, "What does a democracy do in a war? It becomes a tyrant, a despot, a real monarch."[110]

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[104] William E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal: 1932–1940,* (New York: Harper & Row Publishers, 1963), p. 39.

[105] Ibid., pp. 41–2.

[106] Ibid., p. 42.

[107] Arthur M. Schlesinger, Jr. *The Coming of the New Deal* (Boston: Houghton Mifflin Company, 1959), p. 6.

[108] Leuchtenberg, *Franklin D. Roosevelt and the New Deal: 1932–1940,* p. 43.

[109] Cited from the "Stenographic Record of the Department of the Interior" by Schlesinger, *The Coming of the New Deal,* p. 3.

[110] Cited from the *New York Times,* Feb. 8, 1933, by Schlesinger, *The Coming of the New Deal,* p. 3.

Thus, in a sense, President Roosevelt became the country's chief legislator, a duty "he saw demanded in the popular mandate of his election." [111] Meeting the national emergency took precedence over rectifying complaints from those who feared that the President had assumed dictatorial power. As the comments of both Landon and Smith indicate, many were more than ready for a "dictator" if a "dictatorship" was required to lead the country out of the crisis. Constituents demanded action, and Members could not afford to stand in the way of recovery for the sake of protecting purely local or organizational interests. The temper of the time—along with Roosevelt's own, quite considerable, political abilities—were the reasons for the extraordinary success of his legislative programs.

But Members were not willing to follow Roosevelt's lead blindly, as House leaders found out just a few days after passage of the banking bill. On March 10, 1933, the President sent a measure to Congress to cut significantly the salaries of government workers and benefits for veterans. Since standing committees had not yet been appointed, the House created a special economy committee solely to consider the measure. However, a number of House Democrats wanted the issues of federal pay and veteran's benefits discussed more broadly within the House, and they demanded a meeting of their Caucus for that purpose. When the Caucus met the next morning, its party leaders were divided. Speaker Henry Rainey (Ill.) could not muster the two-thirds vote necessary to bind the Caucus to support the President's bill. In fact, it was only with difficulty that he held off Caucus support for an amendment to weaken the bill severely.

Under the circumstances, the Caucus was no longer as significant a forum as it had been in the Democratic Congresses during Wilson's presidency. The fact that Rainey and Majority Leader Byrns might not be able to control the Caucus the way Underwood had was not a critical factor. After all, Caucus votes could remain a secret, but House votes would be a matter of public record. Members were reminded that "[w]hen the *Congressional Record* goes to President Roosevelt's desk in the morning, he will look over the roll call we are about to take, and I warn you new Democrats to be careful where your names are found." [112]

The threat of Presidential and public displeasure, combined with imaginative use of House procedure, enabled House leaders to push the government salaries measure through. Because a committee had not yet been appointed and no other business was pending, the House Parliamentarian suggested that the measure could be considered under "regular order." A closed rule was introduced on the floor, and while it was not readily accepted, it was adopted after some skillful parliamentary maneuvering by the Speaker. Following the debate, the measure itself was adopted.

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[111] Herring, "First Session of the Seventy-third Congress, March 9, 1933, to June 16, 1933," p. 65.

[112] Ibid., p. 71.

In the last session of the 73rd Congress, the House considered only one other measure of major importance that did not receive a special rule—the Glass-Steagell Banking bill. In all, eight major measures were taken up under closed rules during the session; five became law: the Agricultural Adjustment Act, the Tennessee Valley Authority Act (Muscle Shoals), the Securities Act of 1933, the Independent Offices Appropriations Act, and the National Industrial Recovery Act.[113] No previous session ever had adopted so many closed rules.[114]

These special rules were used to protect Administration measures from amendments that might have either weakened or seriously altered the bills. Special rules also helped hasten the measures' progress through the House. Since the Democrats were well organized and had a large majority, Republicans' efforts to block or close "gag" rules were fruitless.

One example of the support the Rules Committee gave the Administration was in the case of Roosevelt's National Industrial Recovery Act. To obtain passage of this measure the Rules Committee used its powers in two ways:

> It blocked consideration of the Black-Connery 30 hour work week bill by refusing the parliamentary boost necessary to lift it from the Calendar while expediting the President's counter-measure by reporting out a tight rule which prevented the bill being scuttled by opponents on either the right or the left.[115]

The Black-Connery bill was introduced in the Senate, passed, and sent to the House where it was considered and reported favorably by the Committee on Labor. Instead of acting on Labor Chairman Connery's proposal for a special rule, the Rules Committee "blocked Connery's resolution while Presidential advisors worked in haste to shape up the industrial recovery bill as a drastic legislative counter attack. . . ."[116]

After the Administration's proposal had been considered briefly and reported by the Ways and Means Committee, it was sent to the Rules Committee. The Committee reported a closed rule for the consideration of the measure which permitted only Ways and Means Committee amendments. This was done to prevent time-consuming floor debate on amendments offered by Members representing a diverse range of interests. If adopted, these amendments could significantly alter or negate the Administration's goals.

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[113] The three measures that did not become law were the Emergency Farm Mortgage Act, a measure to provide the President with the power to embargo arms in certain cases, and a joint resolution to enable the State of New York to use the St. Lawrence River to generate electricity.

[114] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 137.

[115] Ibid., p. 148.

[116] Ibid., p. 146.

In defending his Committee's actions, Rules Chairman Pou stated that the measure, and the rule to protect it, were "what the President of the United States wants."[117] He also reminded Members of the progress made during the session and suggested that a vote against the special rule or measure might not sit well with their constituents:

> When I remember the condition of the country less than 3 months back, and when I observe the conditions which already exist, I am actually afraid not to . . . help [the President] carry out his program of recovery.[118]

Pou's statement and the Committee's action were supported by Committee Member Arthur Greenwood (D-Ind.), who argued that since the country was living in extreme times, extreme measures were needed: "So these unusual [closed] rules are offered for the purpose of taking care of unusual situations." He also argued that the President was not a dictator, as some were beginning to say, but rather that "[t]here never was a President of the United States who was more willing to cooperate and confer with the Congress than [Franklin Roosevelt]. . . ."[119]

Rep. Joseph Martin, Jr. (R-Mass.), also a member of the Rules Committee, represented a highly industrialized district that had suffered greatly during the preceding years. Although Martin supported the basic goals of the Administration's proposal, he strongly criticized the special rule for the measure's consideration. Under the closed rule, he complained, the end result would represent only the ideas and wishes of "a select few" rather than representing "the views of 435 congressional districts."[120]

Two of the three other Rules Committee Republicans also spoke out against adoption of the special rule. Ranking Minority Member Harry Ransley (Pa.) felt that the measure itself was probably unconstitutional,[121] and Carl Mapes (Mich.) argued against the use of closed rules in general, and against specific parts of the measure itself.[122] Franklin Lehlback (N.J.) did not enter into the floor debate, but like his party colleagues on the Committee, he voted against the rule.[123]

Democratic Rules Member and later Chairman, John O'Connor (N.Y.), complained about attempted Republican "sabotage" of the Democrats' efforts: "I appeal again to my Democratic side of the House not to be misled by the unified front of the Republican side, because no matter what rule we might have brought in . . . the Republican side of the House would vote against the rule." In a bid for party unity, he added, "the only way by which real Democrats can support the President is to carry out his program by voting for the adoption of this rule."[124] The special rule was adopted, 209–187. Of the Rules Democrats, only Cox voted against the rule. The National Industrial Recovery Act was passed by a 326–75 vote. Many of those who had voted against the rule had actually favored the President's proposal but had opposed the use of the closed rule. Others who opposed the proposal itself realized that it was "the best legislation that could be secured."[125]

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[117] *Congressional Record*, vol. 77 (73rd Congress, 1st Session), May 25, 1933, p. 4188.
[118] Ibid.
[119] Ibid., p. 4189.
[120] Ibid., p. 4190.
[121] Ibid., p. 4198.
[122] Ibid., p. 4191.
[123] Ibid., p. 4198.

The pressures of the Rules Committee were not so great in 1934 during the 2nd Session; Roosevelt's main recovery proposals already had been adopted. Compared to the eight closed rules adopted during the 1st Session, only two were adopted during the 2nd Session. One of these was reported for the regular revenue bill and the other for the Independent Officer Appropriation bill. In the case of the appropriation bill, the Administration and the Rules Committee faced "a combination of strongly organized special groups."[126] Part of the appropriation bill preserved the cuts in veterans' benefits and government wages for the previous session. There provisions were due to expire at the end of June 1934. Roosevelt proposed restoration of one-third of those wages and benefits since the government could not afford to restore the full amount of the cuts.

The special rule reported by the Rules Committee for consideration of the appropriation bill was closed to all but Appropriations Committee amendments. It also prohibited future appropriation bills from containing provisions for increasing the wages and benefits affected under the bill. "The purpose of this rule was obviously to prevent congressional opponents of government office workers, laborers, or veterans from reinstating the pay slashes as each government supply bill came up during the remainder of the session."[127] The rule was adopted by a five-vote margin after heated debate. The measure itself passed the House intact.

However, the Senate amended the bill to restore the full amounts of the previous year's pay and benefit cuts. When the bill was returned to the House, Democrats in Caucus did not give the leadership enough votes "to bind members not to take up the Senate amendments on the floor. . . ."[128] The Rules Committee then reported a resolution that would "send the amended bill to conference without instructions in the hope that the conference, working behind closed doors, could compromise the more extreme demands."[129] But after the Senate's action, the pressures exerted by organized government workers and veterans were great enough to cause the defeat of the rule in an election year. Although the President vetoed the measure sent to him, the House and Senate easily overrode his veto.

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[124] Ibid., p. 4195.

[125] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 148.

[126] Ibid., p. 150.

[127] Ibid.

[128] Ibid., p. 152.

While the 73rd Congress and the President cooperated closely, cracks in that relationship began to appear during the 74th Congress (1935–1937) that would eventually result in a division between liberal and conservative Democrats, especially on the Rules Committee.

Part of the reason was the change that was taking place in the Congress itself. When the 74th Congress convened, the Democrats had increased their majority in the House by thirteen seats. Many of the new Members "selected on public ownership or 'production-for-use' platforms stood to the 'left' of Roosevelt." Although the economic crisis had eased, it was far from over; many workers were still unemployed and the drought in the West and Midwest was spreading. Roosevelt also was faced with challenges from the left from men like Huey Long, the Kingfish of Louisiana, who from his perch in the Senate gained national attention with his proposals and personal flamboyance. Confronted with this combination of personalities and events, the President "had to work with a Congress committed to free spending . . . ."[130]

Many of the reform measures passed during this Congress had one thing in common: the federal government became a much greater factor in the lives of many Americans through relief programs like the Federal Emergency Relief Administration or work programs such as those provided through the short-lived Civil Works Administration or the Federal Writers Project. Government involvement in the operation of the nation's businesses and industries also increased through laws like the Securities Exchange Act and the Wagner Act. Consequently, more conservative Members who represented northern industrialized areas, men like Rep. John J. O'Connor (D-N.Y.), came to view the New Deal first with suspicion and later with hostility. After the death of Edward Pou in 1934, O'Connor became Chairman of the House Rules Committee. He later would become one of the leaders of the conservative coalition on the Committee as the President's programs became more liberal and after Roosevelt took political actions that disenchanted some Members.

A sign of the problems the Roosevelt administration would have with the Rules Committee came in June 1935. The House Interstate Commerce Committee had reported a more moderate version of a public utilities holding company bill than had passed the Senate. Specifically, the House committee bill placed the burden of proof on the

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[129] Ibid.

[130] Leuchtenberg, *Franklin D. Roosevelt and the New Deal: 1932–1940*, p. 117.

Security and Exchange Commission to show that the dissolution of a utility holding company was in the public interest under what was known as the "death sentence" provision of the bill rather than placing the burden of proof on the holding company. The administration and Commerce Chairman Sam Rayburn (D–Tex.) favored the tougher "death sentence" provision. Rayburn appeared before the Rules Committee and requested a rule providing a recorded vote on this issue. But O'Connor urged his colleagues on Rules to deny the request, and the separate vote was not provided for in the rule.[131] O'Connor's action demonstrated the potential power of an "independent" Rules Committee. What few, if any, realized at the time was that this refusal of the Rules Committee to go along with the administration and some leaders in the House was to foreshadow what was to become a regular pattern from 1937 until the late 1960's.

However, taken as a whole, the 1911 to 1936 period in the history of the Committee on Rules was one in which the Committee continued to serve the majority party and its leadership. Moreover, this role was widely accepted by members of the minority party as well. Complaints about rules allowing for legislating in appropriations bills, gag rules, and insufficient debate time were common regardless of which party was in the minority. Those complaints were made largely in the course of partisan disagreements and within the context of general acceptance of the Rules Committee as a majority party vehicle. When the Committee or its Chairman went beyond reasonable boundaries, it met resistance. Most significantly, as the legislative agenda grew, the importance of the Rules Committee in scheduling legislation, providing the terms for floor debate, and delaying or expediting bills increased. As the Congress was called upon to respond to a world war and a great depression, and the policy domains of the national government were subsequently enlarged, directing legislative traffic in the House became a more complex task than it had been in 1910. No longer was an all powerful Speaker leading the House. Nor would King Caucus return to ensure that the House had direction. From 1933 to 1936, the legislative leadership of President Roosevelt largely displaced that of internal House Democratic Party leaders. Moreover, the resources that had once made congressional party leaders strong had been dispersed. Committees and their chairmen, now insulated by a seniority system, increasingly provided direction in a more decentralized House. As long as the Rules Committee continued to serve the majority party, it was a valuable leadership resource in organizing the House of Representatives. But as the philosophical and regional differences within the Democratic Party grew, this leadership asset became a significant obstacle.

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[131] James T. Patterson. *Congressional Conservatism and the New Deal,* (Lexington: University of Kentucky Press, 1967), p. 53.

## Chairmen and Ranking Minority Members of the Committee on Rules Between 1937 and 1960

Adolph J. Sabath (1939-1946)
(1949-1952)
Chairman

Leo E. Allen (1947-1948)
(1953-1954)
Chairman

Howard W. Smith (1955-1966)
Chairman

Carl E. Mapes (1939)
Ranking Minority Member

Hamilton Fish (1939-1944)
Ranking Minority Member

Note: Joseph W. Martin, Jr. and John J. O'Connor are pictured at the beginning of chapters 2 and 3, respectively.

# CHAPTER IV

# Conservative Coalition Stronghold: 1937–1960

## Introduction

The 1936 election appeared to be a glorious victory for President Franklin D. Roosevelt, the Democratic Party, and the New Deal. President Roosevelt carried all but two states, and the Democrats obtained overwhelming majorities in the 75th Congress—331 seats in the House of Representatives and 76 seats in the Senate. At the start of the Congress it looked like the Republican Party had been reduced to a vocal but relatively helpless minority. Under these conditions continuation of New Deal legislative programs seemed assured. Michigan Representative Carl Mapes, a Republican member of the Rules Committee, lamented, "the overwhelming Democratic majority is inclined to put through whatever the President wants and equally inclined to prevent the passage of any legislation which he does not want." [1] Given the success of Democratic programs in the previous two Congresses, Mapes fears were not exaggerated. But the prediction proved inaccurate.

Instead, the 75th Congress witnessed the beginning of a significant split in the Democratic Party along regional (North-South) and ideological (liberal-conservative) lines and the development of the conservative coalition, a bipartisan alliance of southern Democrats and Republicans. The conservative coalition, which would thwart the Roosevelt program in 1937, has continued as an important force in American politics.

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[1] Carl Mapes to Abbott L. Morris, January 30, 1937, the *Morris Papers* as quoted in James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933–1939* (Lexington, Ky.: University of Kentucky Press, 1967), p. 82.

Perhaps nowhere was the influence of this new coalition demonstrated more critically than in the Rules Committee's operation as a majority party vehicle. Prior to 1910, the Speaker chaired the Committee and appointed its members, but even after the 1910 revolt—when the Committee no longer operated under the will of a single individual and its larger membership was more difficult to organize—it remained an instrument of whichever party was in the majority. Although, in the post-1910 period many Rules members did not hold influential House positions when they were appointed to the Committee, they often became important: the Rules Committee developed into a recruitment ground for the new party leaders—Bertrand Hollis Snell (R–N.Y.), Daniel Edward Garrett (D–Tex.), William Brockman Bankhead (D–Ala.), and Joseph W. Martin, Jr. (R–Mass.).

This party orientation of the Rules Committee was apparent during Roosevelt's first term when the Committee granted closed rules for many of his legislative programs. And although some conservative Democrats opposed some or the administration's programs in the 74th Congress, the majority party still possessed a working majority on the Rules Committee. For example, one Rules southerner, William J. Driver (D–Ark.), voted against only two administration bills between 1933 and 1937, the Guffey-Snyder bill and the Beer-Wine bill.[2]

Beginning with the 75th Congress in 1937, however, the Rules Committee ceased to be a reliable arm of the majority party and its leadership on a growing number of issues. An era of largely unchecked dominance by the conservative coalition of southern Democrats and Republicans on the Committee had begun. With the exception of the 81st Congress (1949–1951), this coalition was rarely challenged successfully until 1961. And only in the Republican controlled 80th and 83rd Congresses (1947–1949, and 1953–1955, respectively) did the Rules Committee consistently operate as a vehicle of the majority party and its leadership in the management of the legislative program, a role it had played from 1880 to 1936.

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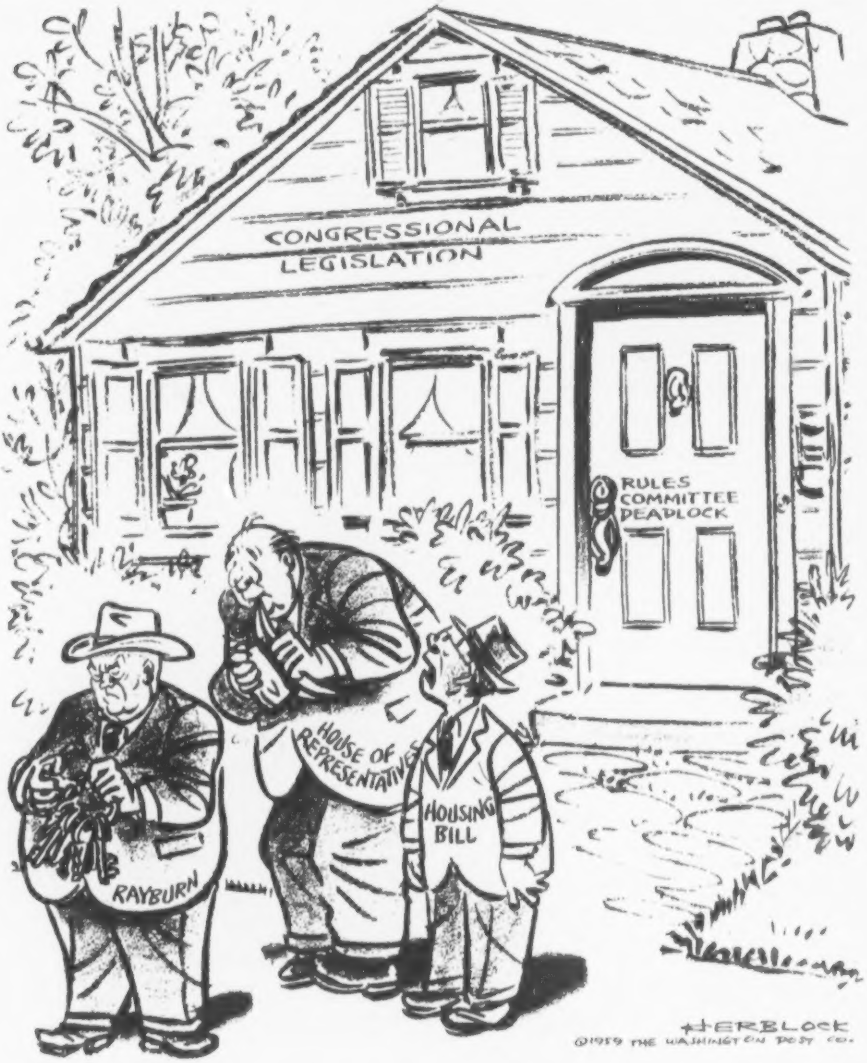
[2] Travis Martin Adams. *The Arkansas Congressional Delegation During the New Deal, 1933–1936* (Unpublished M.A. thesis in History, Nashville, Tenn., Vanderbilt University, 1962), p. 253. The Guffey-Snyder bill was designed to stabilize prices in the bituminous coal mining industry by setting minimum coal prices. The Beer-Wine bill dealt with exempting those alcoholic beverages from the Volstead Act, thus legalizing their production and sale.

"Aren't You Big Enough To Have A Key Of Your Own?"


CONGRESSIONAL
LEGISLATION
RULES
COMMITTEE
DEADLOCK
HOUSE OF
REPRESENTATIVES
HOUSING
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This chapter describes and analyzes the Rules Committee as an instrument of the conservative coalition during the 1937–1960 period. First, it is essential to understand the factors that led to the formation of the conservative coalition in the House and on the Rules Committee in 1937 and that sustained it for more than twenty years. Then, one can better comprehend the prime areas of conservative coalition activity and how coalition control of the Rules Committee provided it with important resources with which to influence House decisionmaking and the content of legislation, especially when these resources were in the hands of skilled legislators. In addition, it is necessary to examine how the leaders of both parties in the House worked with the Committee during this period. Because the Democratic Party was the majority party in the House between 1937 and 1960, except for four years (1947–1949, 1953–1955) much attention necessarily was placed on its efforts to counter the often disproportionate coalition strength on the Rules Committee that led first to the adoption of the 21-Day Rule in the 81st Congress and eventually to the enlargement of the Committee in 1961.

## Establishment of the Conservative Coalition: the 75th and 76th Congresses (1937–1941)

During the 73rd Congress (1933–1935), the first two years of the New Deal, House Democrats had remained highly cohesive in their response to the stream of emergency legislation. Only in the next Congress did the cracks begin to appear. By 1937 those cracks had become a clear split in the party. For a variety of reasons, conservative House Democrats, primarily southerners, withdrew their support from the New Deal. Some always had opposed it, such as strong states' rights advocates who opposed high government spending and growth of the federal bureaucracy. Others were willing to lend support partly because "the New Deal . . . . seemed a conservative way to deal with a revolutionary impasse." [3] Once the economic emergency abated, doubts began to set in. A major cause of the split was over issues that divided important segments of the New Deal coalition, especially the pro-labor, urban North and the anti-labor, rural South. The split occurred more quickly in the Senate where Roosevelt's plan to pack the Supreme Court with justices of his choosing fired the dispute. When sit-down strikes, relief programs, and labor standards issues reached the House in 1937, the split extended to both bodies. In the House the Committee on Rules was the center of the controversy.[4]

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[3] Patterson, *Congressional Conservatism and the New Deal,* p. 75.

[4] Ibid., p. 186.

The first skirmish occurred in March 1937, when Martin Dies, Jr. (D-Tex.), a member of the Rules Committee who, prior to 1937, usually had supported New Deal programs, introduced a resolution to investigate sit-down strikes. The resolution was referred to the Rules Committee which reported it to the House. Although President Roosevelt did not formally oppose the resolution in the Committee, he would have preferred that the issue had not been raised. The resolution was defeated on the House floor, but 43 southern Democrats supported it.[5] This was followed by an effort in May to cut the Works Progress Administration (WPA) appropriations and to limit the president's authority over the distribution of funds. Again the effort was unsuccessful, but it brought conservative Democrats and Republicans into alliance. The House conservatives simply did not have enough votes to win on the floor. The Rules Committee offered them a more favorable battle ground.

Although the Rules Committee's Democratic membership was unchanged from the 74th to the 75th Congress, the willingness of those members to cooperate with their party's president did. Of the ten Rules Democrats, five were from the South: Edward E. Cox (Ga.), William J. Driver (Ark.), Howard W. Smith (Va.), J. Bayard Clark (N.C.), and Dies. Cox had been on the Rules Committee before the New Deal and had given mixed support to Roosevelt's programs prior to 1937. Smith opposed the New Deal from the beginning and obtained his seat on the Rules Committee only as a concession to the losing side in a 1933 leadership contest. Clark, like Driver and Dies, generally had supported Roosevelt's programs in the 73rd and 74th Congresses. Even when they had opposed them, they had voted to report administration bills from the Rules Committee. As Rules Chairman John J. O'Connor (N.Y.) observed:

> Take two outstanding instances in recent years—one the Wagner labor relations bill and the other the Guffey coal bill. When the Wagner bill was before the Rules Committee there were not over four members of that committee in favor of the bill, but we felt there was an overwhelming demand in the House to consider the bill, and with the aid of members of the committee who were opposed to the bill and who afterward took the floor in opposition to the bill, we were able to report that bill out for the consideration of the House.
>
> Twice the Guffey coal bill was before the Rules Committee. I think I am correct in saying that not over four members of that committee believed in and supported the Guffey coal bill, but, again, . . . the committee reported it out to this body.[6]

The same could also be said for the controversial "death sentence" provision of the Holding Company Act in 1935, which authorized the Securities and Exchange Commission to dissolve utility holding companies unable or unwilling to present acceptable reasons for their existence.

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[5] Ibid., p. 169.

[6] *Congressional Record*, vol. 81, August 17, 1937, (75th Congress, 1st Session), p. 9110.

By 1937 the House Democratic leadership could no longer count on Rules Committee southern Democrats in granting of rules. The Wage and Hour Bill brought the situation to a head. Following a March 29, 1937, decision by the Supreme Court in which it switched its position and upheld a state minimum wage bill (in 1936 the Court had invalidated a similar law enacted in New York), the administration gave top priority to legislation to set national minimum wage and maximum hours provisions and to provide certain child labor standards. After its passage by the Senate, the legislation was reported in an amended form by the House Labor Committee on August 6, 1937. With the five southern Democrats and four Republicans on the Rules Committee opposed to it, no rule was granted and no hearing was even held on the Wage and Hour Bill. Yet this was an item on which Chairman O'Connor estimated that "the Members of this House will not cast over 75 votes against this bill."[7] An effort to use the Democratic caucus to force action failed by eight votes when many absented themselves.[8]

In October, President Roosevelt called for a special session of Congress to meet in November and to consider the Wage and Hour Bill. When efforts urging the Rules Committee to report the bill again proved fruitless, Labor Committee Chairman Mary T. Norton (D-N.J.), a fiery liberal, filed a discharge petition. On December 2, the required 218 signatures were obtained.[9] When the discharge vote was taken, 77.7 percent of House Democrats voted in opposition to the Rules Committee, and the Wage and Hour Bill was brought to the floor.[10]

The controversy involving the Rules Committee and the Wage and Hour Bill did not end here. Because the American Federation of Labor was unable to offer its own wage and hour measure rather than the Labor Committee's version, it opposed the legislation and a sufficient number of members voted to recommit it to committee. In the 3rd Session of the Congress, a new compromise bill was reported by the Labor Committee. Again the Rules Committee refused to report it; this time by a 8–6 vote. Only Joseph W. Martin, Jr. (R-Mass.) broke with the GOP and joined the five northern Democrats in voting to report the bill.[11]

To gain a strategic advantage, House leaders then held up the filing of a new discharge petition until after pro-wage and hour Senator Claude Pepper's victory in the U.S. Senate primary in Florida. The victory demonstrated that support for this legislation might not be an electoral liability for southerners. This time when Congresswoman Mary T. Norton filed the discharge petition, it required only two and one-half hours to obtain the 218 signatures.[12] On May 23 the House considered the discharge resolution and voted 322–73 to bring the rule for consideration of the Wage and Hour Bill to the floor.[13]

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[7] Ibid., p. 9111.

[8] James MacGregor Burns, *Congress on Trial* (New York: Harper & Brothers, 1949), p. 24.

[9] Ibid., p. 75.

[10] Christopher Van Hollen, *The House Committee on Rules (1933–1951); Agent of Party and Agent of Opposition* (Unpublished Ph. D. diss. Baltimore, Johns Hopkins University, 1951), pp. 75–76.

[11] Patterson, *Congressional Conservatism and the New Deal*, p. 243.

Of the Rules Committee members, only Donald H. McLean (R–N.J.) and the southern Democrats voted against the resolution. Carl Mapes and J. Will Taylor (R–Tenn.), who voted *against* granting the rule in committee but *for* the discharge resolution, could have stemmed the controversy had they voted for the rule in the first place. One can ony speculate about their motives. There were two obvious advantages to be gained by the Republicans by voting against it. First, by forcing the use of the discharge, they pushed the Democratic split into the open. Second, they established a credit for the Rules Committee Republicans with the Committee's southern Democrats, thus helping to forge the conservative coalition link.

The 1937–1938 fight over the wage and hour legislation was extremely significant for the Rules Committee and for the majority party leadership. It not only highlighted and aggravated the split in the Democratic Party, but it meant that on some issues the gatekeeper to the House floor was a bipartisan coalition—not the arm of the majority party. Ironically, the discharge petition, a device originally designed to protect the minority party (and minority elements in the majority party) from abuses by the majority party leadership, had to be invoked by the majority leadership to bring one of its legislative programs to the House floor.

Labor bills provided the main opening for the split in the Democratic Party to which other issues were added in subsequent Congresses. It is important to realize that on many issues the Rules Committee continued to act on behalf of the majority party, albeit at times reluctantly. For example, in the 1st Session of the 75th Congress no majority member of the Rules Committee sought recognition to call up the rule on the Miller-Tydings bill. A rule had been granted, but President Roosevelt opposed this bill, which sought to modify antitrust law.[14] In the case of the conference report on the 1938 farm bill, the Rules Committee provided for waivers of points of order against provisions included in neither the House nor the Senate bill.[15]

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[12] Ibid., p. 196.

[13] The bill subsequently passed the House on a 314–97 vote.

[14] Lewis J. Lapham, *Party Leadership and the House Committee on Rules.* (Unpublished Ph.D. diss., Cambridge, Mass., Harvard University, 1953), p. 84.

[15] Ibid., p. 85.

One additional caveat should be made regarding the Rules Committee in the 75th Congress. Southern Democrats and Republicans were not the only conservatives on the Committee. Its chairman, John O'Connor, caused considerable difficulties for President Roosevelt. O'Connor had opposed the administration on the "death sentence" provision in 1935 and vigorously fought efforts to strengthen the executive branch in the 75th Congress. When O'Connor unsuccessfully sought the majority leadership position in 1937, Roosevelt, through the political leaders in New York, supported Sam Rayburn of Texas instead of his home state's candidate. Ironically, in that contest O'Connor appealed for the support of southern conservatives, and Rayburn's base was among northern liberals as well as moderate southerners. No doubt O'Connor's opposition to some of Roosevelt's programs influenced the President's decision to back Rayburn and in turn hardened O'Connor's opposition to the New Deal. In the 1938 election, O'Connor was one of the Democratic Members of Congress whom Roosevelt tried to purge, and he was the single success. (Howard Smith was also on the administration's "purge list.") [16]

O'Connor was not the only Rules Committee member not to return when the 76th Congress convened in 1939. Two New Deal supporters, Arthur Greenwood (D-Ind.) and Byron Harlan (D-Ohio), were among the casualties of the 1938 election in which 70 fewer Democrats were elected than in 1936. In addition, William Driver was unseated in the Arkansas Democratic primary. With four vacancies on the Committee, the leadership had the opportunity to make some adjustments to the conservative strength, and four New Deal supporters were selected to fill the vacancies. One of the four, William Colmer (Miss.), was a southerner. But Colmer at the time of his appointment was considered a New Dealer. On the Republican side, Joseph Martin left the Committee to become the floor leader of the minority party, and Donald McLean (N.J.) accepted an appointment on the Ways and Means Committee. Their replacements, Hamilton Fish (N.Y.) and Leo E. Allen (Ill.), were both conservative.

The net effect of this substantial turnover was very small. Conservatives still maintained the advantage. Adolph Sabath (D-Ill.), who became chairman, was clearly loyal to Roosevelt and the New Deal. But as one who had migrated from Bohemia to the United States as a teenager and never developed fluent command of the English language, Sabath was more comfortable and effective as a politician of Chicago ethnic wards than as Capitol Hill spokesman. Moreover, he was already in his seventies, was not a particularly forceful individual, and was to prove no match for Cox, the conservative leader on the

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[16] Van Hollen, *The House Committee on Rules (1933–1951)*, p. 126.

Committee.[17] Some House Democrats had even discussed passing over Sabath in selecting the new chairman. (As will be evident, control of the chair was of value in the Democratic leadership's efforts to counter conservative strength on the Rules Committee.) But Cox could normally count on Smith, Clark, Dies, and the four Republicans for eight votes on the fourteen-member committee. Before long, Colmer joined that group, and Lawrence Lewis (D-Colo.) often gave added support to the conservative majority.

Indeed, conservative control of the Rules Committee was locked in for some time to come. Cox remained a member until 1953, Smith until 1967, and Clark until 1952. Colmer, who was bumped from the Committee when the Republicans gained control of the House in the 80th Congress, was returned to the Rules Committee in 1949 and stayed twenty-four years until his retirement in 1973. The coalition provided a clear majority until 1955 and an even split of the Committee until 1961.

Although turnover on the Rules Committee following the 1938 election did little to change its ideological makeup, turnover in the House as a whole considerably affected the tactics of the Committee's conservative majority. The Republican gains came largely at the expense of midwest and northeast Democrats who lost 45 and 27 seats, respectively. With the exception of two seats in eastern Tennessee, Republicans made no gains in the South, which remained solidly Democratic. Of the Democrats elected to the 76th Congress "at least thirty were largely or wholly disenchanted with the New Deal and fifty more were not at all enthusiastic."[18] Certainly not all of these members voted consistently with the Republicans, nor were House Republicans uniformly conservative. But the Democratic working majority on many issues was at best a narrow one, and more extreme legislative proposals could be defeated.

For the Rules Committee the significance of the election results was substantial. First, discharge petitions on many issues would no longer be a successful leadership strategy in countering a conservative Rules Committee. At best the discharge route was a difficult option; with a shrunken Democratic majority obtaining the 218 signatures was indeed unlikely. And although the Committee was discharged twice during the 76th Congress—on an anti-lynching bill and a bill to compensate veterans' dependents—the bills were not blocked by the Rules' conservative coalition. The anti-lynching bill involved discharging the Rules Committee while simultaneously discharging the Judiciary Committee. The legislation actually was not even before the Rules Committee at the time. Although Lewis Lapham in his dissertation on the Rules Committee contended that it would not have voted a rule on the anti-lynching bill had it been given a chance, his position rests on the fact that only seven Rules members voted in favor of the discharge resolution.[19] Without evaluating the merits of his position, it is important to note that the seven not voting for the discharge resolution were all Democrats. Later civil rights issues would involve the workings of the conservative coalition, but this bill did not since the Committee's Republicans did not participate. The other discharge of the Rules Committee came on a bill to compensate veterans' dependents. This was clearly viewed as special interest legislation on which the Rules Committee member should "take the heat" in refusing to give a rule to legislation with which most House members, due to special interest pressure, would find it impossible to vote against.

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[17] For more about Sabath see *Ibid.*, pp. 108–116 and John R. Beal, "Adolph J. Sabath: Dean of the House" in *Public Men in and out of Office*, by J. T. Salter (Chapel Hill, the University of North Carolina Press, 1946) pp. 196–209.

[18] Patterson, *Congressional Conservatism and the New Deal*, p. 290.

Second, and of greater substantive impact than the declining success of the discharge petition, the Republican House gains meant that the Rules Committee conservatives could go beyond merely denying rule requests to exert their influence. In the 75th Congress they had been largely restricted to that tactic. Thus, the Committee had been the prime conservative stronghold in the House. In 1939, with the Democratic House majority narrowed, Rules' conservatives could extend their sphere of influence to the House floor.

One new tactic of Rules conservatives involved granting a rule but not as desired by the majority party leadership. During the 1st Session, for example, the Committee considered legislation providing for an additional appropriation for the WPA. The bill contained a smaller amount than the administration had requested. The rule as granted allowed for amendments to change the amount of the appropriation. But the administration had wanted to ensure that it received a recorded vote on its amendment. With a recorded vote, the administration felt that the House Members would be more responsive to the public influence as well as the administration's scrutiny and support of its higher appropriation figure for this popular program. To do this, it had tried to get the Rules Committee to provide in the rule for two motions to recommit the bill to the committee—one of the minority as usual, and one for the majority. The latter was to be used to instruct an increase in the amount of the appropriation. Without this second recommittal vote, it was likely that the administration's position would be defeated on a teller vote in Committee of the Whole. Since amendments defeated in Committee of the Whole are not subject to a vote again when the amended bill is before the House, the chance for a recorded vote would be lost. The Rules

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[19] Lapham, *Party Leadership and the House Rules Committee*, p. 112.

Committee, however, granted a rule allowing only the single minority motion to recommit. The only vote that gives any indication on how the Rules Committee split on this issue came when the Republicans offered their motion to recommit the bill on the floor. It was supported by eight Rules Committee members: four Republicans and four southern Democrats.[20]

In another case the Rules Committee granted a rule when the rule request had been withdrawn. It was recognized that the Wage and Hour Bill passed in the previous Congress needed to be amended. Although the House Labor Committee produced a bill that met some of the problems conservatives had with the act, it did not go far enough. When Congresswoman Norton requested a closed rule for the bill, the Rules Committee refused. Republicans and southern Democrats wanted the opportunity to offer floor amendments. Chairman Norton decided to withdraw her request and persuaded the Speaker to bring the bill to the floor under suspension of the rules, which allowed for its consideration without amendment but required a two-thirds vote for passage. If the bill failed under suspension, Norton said she would not bring it to the floor by other means during the session. Responding to these tactics, Cox announced the Rules Committee's intent to grant a rule if the bill failed under suspension. He was greeted with applause:

> I wish to say, Mr. Speaker, that it is within the right of the Committee on Rules on its own motion to grant a rule for the consideration of any bill reported to the House. If the motion of the gentlewoman from New Jersey is voted down and a resolution is offered by any Member of the House, the probabilities are that Rules Committee would grant a rule on the bill which would provide for full consideration and offering of amendments to the measure.[21]

Thus, the Democratic leadership and the Labor Committee were forced to abandon their attempt to pass the bill under suspension. Cox seeming commitment to the granting of an open rule meant it would be impossible to obtain the two-thirds vote required to pass a bill under suspension of the rules. But an open rule was not, in fact, granted. Instead, despite the efforts to the contrary by Chairman Sabath and the majority party leadership, the Rules Committee met on the bill and reported a rule on the original Labor Committee bill allowing for two substitutes and no other amendments to be offered. The substitutes were offered by southern Democrats Graham Barden (N.C.) and Robert Ramspeck (Ga.). Only Sabath, exercising his prerogatives as chairman, stayed the coalition victory. He delayed reporting the rule until shortly before the House adjourned and thus could not be required to call it up.[22] When the rule was finally debated during the 3rd Session, Cox outmaneuvered Sabath's efforts to defeat the rule and succeeded instead in amending the rule to his advantage.

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[20] Ibid., p. 101. There was no recorded vote in the Rules Committee on granting the rule.

[21] *Congressional Record*, vol. 84, May 15, 1939, (76th Congress, 1st Session), p. 5530.

[22] Lapham, *Party Leadership and the House Rules Committee*, pp. 103–104. The Chairman had three days in which to report the rule and seven days thereafter in which to call it up.

A third area of conservative initiative within the Rules Committee came in the creation of special and select investigatory committees to publicize conservative issues. Legislation creating such committees was part of the Rules Committee's original jurisdiction. Moreover, it was common for a Rules Committee member to chair these investigatory committees.[23] (Dies, for example, chaired the Special Committee to Investigate Un-American Propaganda and Activities from the 75th to 78th Congresses.) In 1939 Cox became particularly upset with the operation of New Deal labor policies and believed the Labor Committee would not address the abuses. Aside from seeking modification of the Wage and Hour Bill, he imposed on his Rules Committee colleague, Howard Smith, to introduce a resolution to investigate the National Labor Relations Board and the Wage and Hour Division. Despite majority party leadership opposition, the coalition of Rules southern Democrats and Republicans reported a resolution for an NLRB investigation, and the House approved it easily.[24] Smith became chairman of the Committee and ensured that "the NLRB absorbed a constant fusillade of criticism for the next two years."[25] Also serving on the NLRB Committee was Charles Halleck (R-Ind.), who was appointed to the Rules Committee in January 1940 and later became the Republican floor leader. According to Halleck, the NLRB Committee gave him the first opportunity to work closely with Smith, a relationship that became more important when Smith was made Rules chairman in 1955.[26]

The Rules Committee did not always refuse to cooperate on New Deal programs. In the 76th Congress it granted rules for bills to finance self-liquidating projects and to amend the National Housing Act. In these cases the southern Democrats on Rules could afford to lend their support because, as expected, both measures were easily defeated on the floor. On occasion, however, the Committee still performed as a party vehicle. Such was the case with the Townsend Plan. In 1938 many Republicans won election by promising to support Dr. Francis Townsend's plan to give $200 a month to people over sixty years old. It was considered an effective position politically but financially unsound and seemingly inconsistent with Republican conservatism. To call these Republicans' bluff, Robert L. Doughton (D-N.C.), chairman of the Ways and Means Committee, worked with the Rules Committee Democrats to force a roll call vote on the Townsend Plan and embarrass the Republicans.[27] Clearly, not all issues were swayed by the conservative coalition in the House. There remained issues on which partisan differences outweighed conservative bipartisanship. But for most New Deal programs this was no longer the case, especially as far as the Rules Committee was concerned.

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[23] Van Hollen, *The Committee on Rules (1933–1951)*, p. 91.

[24] The debate focused on whether hearings being conducted by the Labor Committee were sufficient to address NLRB abuses. In closing debate on the resolution, Cox chided the Labor Committee: ". . . if past experience is to indicate what may be expected in the future, and if we are to wait here until the Committee on Labor takes action to restrain the Labor Board in its maladministration of the law, then we will be here until Gabriel blows his horn." *Congressional Record*, vol. 84, June 20, 1939 (76th Congress, 1st Session), p. 9591.

[25] Patterson, *Congressional Conservatism and the New Deal*, p. 318.

[26] Ibid.

Thus, the 75th and 76th Congresses, the second term for F.D.R., were a transformation period for the Rules Committee. It entered the period as a vehicle of majority party control and existed as a vehicle of a conservative bipartisan coalition. Leadership on the Committee was grasped by Congressman Cox, who could deliver a majority of its members, not the chairman. While Cox kept ties to the House Democratic leadership, especially Sam Rayburn, he also had developed strong ties with the Republican leader Joseph Martin, who became minority leader in the 76th Congress after he and Cox had served eight years together on the Rules Committee. In his autobiography, Martin credits Cox as the "real leader of the southerners" and confirms that he and Cox "were the principal points of contact between the Northern Republicans and the Southern Democratic conservatives." [28]

Against the powerful Rules Committee coalition, the Democratic House leadership had little ammunition. As Chairman, Sabath possessed certain procedural controls, but his ability to use the powers of the chairmanship was limited, especially when compared to Howard Smith's in the 1950's and 1960's, as we shall see.

The 76th Congress in fact provided only a brief glimpse of what was to come in the operation of the Rules Committee. The tactics the coalition initiated were just a sample of the repertoire to be displayed in the 77th through 79th Congresses as the conservative coalition extended its influence in the House.

## Maturing of the Conservative Coalition on the Rules Committee: 1941-1946

Two prime factors affected the influence of the Rules Committee's conservative coalition during the 77th and 78th Congresses—the size of the Democratic majority in the House and the onset and conduct of World War II. When the Democratic majority was more substantial, as in the 77th Congress, the leeway of the Rules coalition was diminished, and it was generally less active. Under such conditions the guarantee of floor support for conservative decisions by the Committee was less certain. Conversely, when the Democratic House majority shrunk, as in the 78th Congress, the coalition enjoyed more influence in Committee decisions.

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[27] Ibid., pp. 310-311.

[28] Joseph Martin, *My First Fifty Years in Politics* (New York: McGraw Hill, 1960), p. 84.

The impact of World War II on the Rules Committee was less direct. Defense and foreign policy issues tended to displace domestic issues of labor and public welfare on the legislative agenda. And on public welfare issues House Democrats were not as badly split, and the Rules Committee operated more in tandem with the majority party leadership and Democratic administrations. When the war ended and domestic legislation again filled the agenda, the conservative coalition on the Rules Committee again asserted itself over partisan considerations.

While the degree of influence exercised by the Rules coalition varied, at no time did it suffer a permanent split or cease to exist. Rather the floor served as a constraint on the coalition, just as it had previously, and the legislative issues it considered often did not fit on a liberal-conservative continuum.

Thus, with the reelection of Franklin Roosevelt in 1940, the gain of a few Democratic seats in the House, and the growing focus on defense issues, the conservative coalition was limited in its activity. The Committee seemed to cooperate more with the House Democratic leadership in the reporting of legislation. In both sessions, the Committee granted closed rules on revenue bills without great difficulty. But this was usual procedure. More significant was the procedure of the granting of rules on appropriation bills waiving points of order against the bills for including appropriations for unauthorized programs or for providing authorizing legislation within the bills. Again this was not a new practice, but it demonstrated the Rules Committee's willingness to cooperate.

This strategy was particularly useful in bypassing a recalcitrant authorizing committee or in protecting vulnerable proposals. When the non-authorized program was particularly controversial, debate on the waiver could become heated. Such was the case during the 1st Session of the 77th Congress when, Congressman Robert Rich (R–Pa.) criticized the Rules Committee for granting such a waiver for the National Youth Administration (NYA) in the Department of Labor appropriation bill. He questioned Chairman Sabath rhetorically:

> I want to ask the gentleman if he thinks it is the proper way to legislate for the Rules Committee . . . to come in here and grant a rule making these things permissible when they could be objected to because of the fact that they have never been permitted. The Rules Committee should not legislate for the rest of us.[29]

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[29] *Congressional Record,* vol. 87, June 3, 1941, (77th Congress, 1st Session), p. 4701.

In a similar vein, the Rules Committee helped expedite certain military and defense legislation by requiring the reporting committee to agree to amend the legislation before granting a rule. These actions were designed to speed floor consideration in the 77th Congress (1941–43).[30] But in later Congresses this technique, as well as the waiver provisions on appropriations bills, would become important weapons of the Rules conservative coalition. Moreover, cooperation by southern Democrats usually involved concessions. In return, the leadership most frequently would provide the support of northern Democrats for agriculture and public works legislation sufficient to defeat Republican opposition.[31]

On occasions during the 77th Congress, the coalition still would initiate activity, especially on labor matters. For example, in granting a rule for a naval construction bill, the Committee made it in order "to consider without the intervention of any point of order any matter which relates to labor disputes and conditions in national defense.[32] But with most New Deal social programs on the back burner, the 77th Congress provided a peaceful interlude for the Rules Committee.

The 1942 election broke the truce and reasserted the conservative coalition's influence at a level not previously reached and in ways not previously experienced. The 78th Congress began with the parties at almost equal strength (218 Democrats, 208 Republicans, and 4 with other party affiliations). As in 1938, the Democratic losses were not in the South, which meant not only a conservative majority in the House, but also an increase in southern conservative influence in the Democratic Party.

To reflect the change in party balance, the Rules Committee ratio was changed to nine Democrats and five Republicans from the previous 10–4 ratio. (The House, recognizing that the responsibility for conduct of business rests heavily with the majority party, has consistently provided a party ratio on the Rules Committee to allow for majority party control. The ratio, therefore, usually is not in balance with party ratios in the House.) Clarence J. Brown (Ohio) became the fifth Republican on the Committee, and since a Democratic member, William L. Nelson (Mo.), was defeated in the 1942 election, it was not necessary to bump any member on the majority side of the Committee. Obviously, this strengthened conservative forces on the Rules Committee. With five southern Democrats and five Republicans, conservatives held ten of the fourteen seats on Rules. And with a bipartisan conservative majority in the House generally supporting its actions, the Rules Committee posed serious problems for the Democratic House leadership and for President Roosevelt. Until the 78th Congress, the conservative coalition mostly confined its activities to labor and civil liberties issues. In the 78th, its influence extended to a broader range of social welfare and agricultural assistance issues.[33]

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[30] Lapham, *Party Leadership and the House Rules Committee*, pp. 121–122.
[31] Ibid., p. 123.
[32] *Congressional Record*, vol. 87, December 1, 1941, (77th Congress, 1st Session), p. 9298.

Once again the Rules Committee's methods of frustrating the Democratic leadership and the administration took several forms. Included were some familiar tactics, such as the establishment of special investigating committees and the writing of rules that undercut the administration's ability to obtain a record vote in key legislative provisions. Moveover, in the 78th Congress, five Rules Committee Democrats chaired special or select House investigating committees, several of which were designed to embarrass the administration. (Not surprisingly, these included one chaired by Cox to investigate the Federal Communications Commission and another chaired by Smith to look into acts of executive agencies beyond the scope of their authority.[34] The Smith committee, as will be discussed, proved particularly significant.)

On the Soldiers Ballot bill in 1944 the administration wanted a record vote on its substitute, the Worley bill, which would have provided soldiers with a federal ballot instead of state ballots. But, as with the WPA appropriation in the 1st Session of the 76th Congress, the Rules Committee refused to allow a recommittal vote for majority party members. Had the extra recommittal motion been provided, administration supporters would have moved to recommit the bill to the committee that reported it with instructions that it substitute the language of the Worley bill. Floor debate on the rule focused on the meaning of the recommittal motion. Proponents of the Worley bill claimed that recommittal motions were designed to protect political minorities, not just the minority party. In closing debate on the rule, Congressman Worley, speaking of the minority party Members, claimed: "We do not ask you to take away their rights; we simply ask you to extend to us the same fair privilege. . . ."[35] Despite this plea, the previous question was ordered, 233–160.

The Rules Committee complicated life for the administration in other ways. For example, it provided waivers for riders, non-germane matter, which were attached to administration bills, and then it effectively prevented recorded votes on the riders. Lapham notes two instances of this in the 1st Session of the 78th Congress. One involved a rider to the debt ceiling bill repealing the war order limit on salaries and the other attached a ban on consumers' subsidies to the continuation of the Commodity Credit Corporation.[36] In addition, the Committee turned the tables since the preceding Congress when it had provided a waiver for the inclusion of NYA in the Department of Labor Appropriations bill. This time the waiver covered money "to liquidate" NYA.[37]

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[33] David W. Brady and Charles S. Bullock, III, "Coalition Politics in the House of Representatives," in *Congress Reconsidered*, 2nd ed., edited by Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, D.C.: CQ Press, 1981), pp. 192–195.

[34] Van Hollen, *The Committee on Rules (1933–1951)*, p. 91.

[35] *Congressional Record*, vol. 90, February 1, 1944 (78th Congress, 2nd Session), p. 1013.

In these situations the Democratic leadership was virtually helpless. Only when the Rules coalition overextended itself to an extreme was the leadership able to defeat it. Such was the case with the Emergency Price Control Act Extension in 1942. Smith's Select Committee to Investigate Executive Agencies, although without legislative authority, produced its own price control measure. Smith's bill amended not only the price control act, but also the stabilization law, the Smith-Connally Act, the Wagner Act, and others. It was basically an anti-strike and labor dispute arbitration bill as well as a price control bill. The Banking and Currency Committee reported its own price control extension bill instead of the Smith bill in part because labor policy was outside of its jurisdiction and not germane to the price control bill. In granting a rule, however, the Rules Committee made the Smith bill or any part of it in order as a substitute and waived any points of order against it. Knowing that Chairman Sabath who opposed the rule would control debate for the majority, Smith cleverly obtained, on a question of personal privilege just before debate on the rule, an hour to argue on its behalf. Eventually, the rule was defeated but only after some Republicans broke ranks with the coalition including the ranking minority member on the Banking and Currency Committee and Congressman Earl C. Michener (R-Mich.), a Rules member. During the debate Michener criticized the arbitrary nature of the rule:

> It was the intention of the Banking and Currency Committee to extend the O.P.A. Act, as well as to make needed amendments to that act. It was not intended to make this O.P.A. bill a carrier to which miscellaneous riders and amendments might be added where legislative committees of the House have not held hearings and given consideration to the proposals. I, therefore, voted for an open rule in the committee and I voted against making this bill an omnibus bill. The Rules Committee has certain functions, but it is not omnipotent. While its functions are necessary under our parliamentary procedure, yet it can very easily destroy its usefulness by proceeding in the direction followed in the reporting of this rule.[38]

Before the debate ended, Speaker Rayburn made a rare floor appearance to warn legislative committees of the dangerous precedent that would be set if the rule was adopted:

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[36] Lapham, *Party Leadership and the House Rules Committee*, p. 130.

[37] Ibid. The NYA was a New Deal program that created part-time jobs for unemployed high school and college students and for other young people in need of financial assistance.

[38] *Congressional Record*, vol. 90, June 7, 1944, (78th Congress, 2nd Session). p. 5470.

> . . . If this is orderly, if that part of the rule that is in controversy here is orderly, then the legislative committees of the House might well take care, because the Committee on Rules, under this system, can meet, you can introduce a bill today, refer it to a legislative committee, and the Committee on Rules tomorrow can bring in a rule making it in order.[39]

Only when the coalition tactics were this extreme did it suffer defeats in the 78th Congress. And the times when the coalition did not influence Rules Committee decisionmaking were fewer and normally reserved for non-partisan legislation, defense matters, and partisan attempts by the House Republicans to embarrass the administration.[40]

Much the same continued in the 79th Congress (1945–1947), which began shortly before the death of President Roosevelt. Although the Democratic Party made gains in the 1944 election and its members on the Rules Committee were perhaps marginally more cooperative with their party leaders, this was in large part offset by a growing attention to domestic programs as the war came to an end. The Rules Committee's membership was reduced to twelve (8 Democrats and 4 Republicans), and the coalition maintained an ample working majority. In fact, the Democratic leadership could count on only three votes since Roger C. Slaughter (D–Mo.) usually cast his vote with the four southern Democrats and four Republicans.[41] Relations between Sabath and Cox became more acrimonious as Sabath's procedural position as chairman continued to be an irritant. At one point Cox forced Sabath to call up a rule when Cox threatened to call it up seven legislative days after its filing in accordance with House rules. Cox and Smith denounced Sabath's practice of calling up a rule and then opposing its adoption.[42]

The Rules coalition's influence was most obvious on labor bills although not limited to them. For example, on the labor fact finding bill, a measure supported by the Truman administration and designed to study the source of post-war labor unrest, the Rules Committee granted a rule but made a strike control measure offered by Francis Case (R–N.D.) in order as a substitute. The Case bill had been introduced only two days before the rule was granted and had not even been referred to, let alone considered by, the Labor Committee. This seemed to extend the Committee's authority beyond that which it exercised in the OPA extension. The Rules Committee reported a bill that had not been considered by its appropriate legislative committee.[43] In this case its decision was sustained on the floor.

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[39] Ibid., p. 5471.

[40] Lapham, *Party Leadership and the House Rules Committee*, p. 135.

[41] In the 1946 election, President Truman actively worked to deny Slaughter's renomination in a fashion reminiscent of Roosevelt's purge of O'Connor in 1938.

[42] Lapham, *Party Leadership and the House Rules Committee*, pp. 138–39.

[43] *Congressional Record*, vol. 92, January 31, 1946, (79th Congress, 2nd Session), pp. 661–668.

Further, its comfortable control of the Rules Committee enabled the conservative coalition to extend its capacity to bargain with legislative committees. In earlier Congresses, the Committee occasionally had bargained with authorizing committees or the leadership to assist in the passage of administration proposals. "Bargaining" in the 79th Congress typically took the form of the Rules Committee requiring that the reporting committee agree to certain stipulations before a rule would be granted. Lapham reports on three such instances, only one of which was "Not strictly an administration-coalition fight."[44] For example, on a bill to amend the National Housing Act, members of the Banking and Currency Committee had to agree not to offer amendments the administration favored before a rule was granted.

More frequently than in previous Congresses, the Rules coalition in the 79th resorted to its traditional tactic of failing to grant a rule, thereby smothering legislation. Such was the case with a minimum wage bill and a bill amending anti-trust law.[45] Speaker Rayburn and the Truman administration often were unable to counteract these decisions.

In the 79th Congress the Rules Committee found itself for the first time at the center of the right over civil rights legislation. Previously, the Committee had been discharged from consideration of most civil rights legislation simultaneously with the Judiciary Committee. In fact, this happened for the fifth time in 1945. Technically, none of the bills was ever before the Rules Committee, although the Soldiers Ballot bill in 1944 had civil rights overtones as did some labor measures. The Fair Employment Practices Commission (FEPC) bill presented a different situation. The bill had both strong administration backing and a favorable report from the Labor Committee in early 1945. Nonetheless, it was not granted a rule. Committee Republicans, despite the civil rights plank in their party's 1944 platform, assisted in preventing a Rules quorum when the FEPC bill was scheduled. In part, they did this to avoid jeopardizing their working relationship with the southern Democrats.[46] When on June 12, 1945, a quorum was finally obtained and a vote taken on the FEPC rule, the Committee divided, 6-6. The Committee's two border state Democrats had been persuaded to join their four southern colleagues to oppose the rule. And knowing that the rule would not be granted, the four Republicans could freely join with the two northern Democrats.

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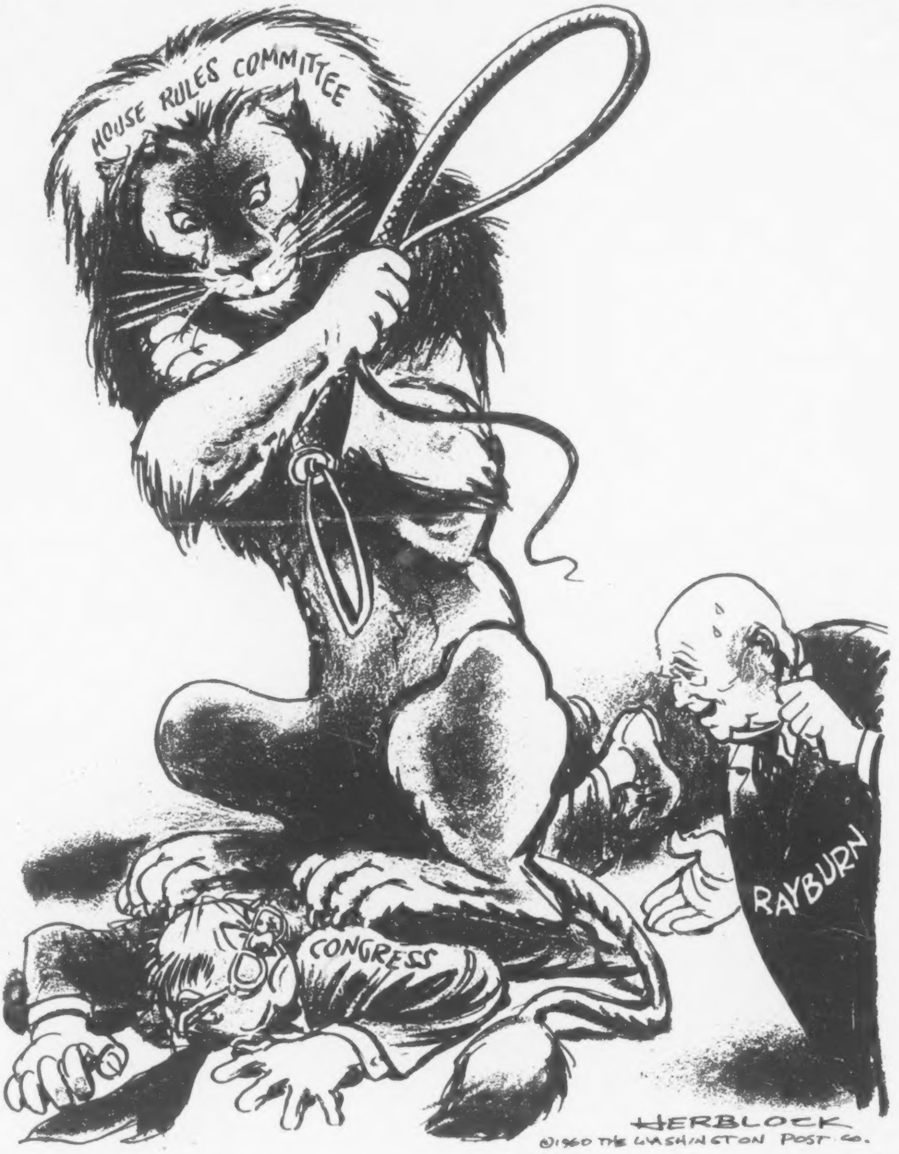
[44] Lapham, *Party Leadership and the Committee on Rules*, p. 147.

[45] Ibid., p. 165.

[46] Van Hollen. *The Committee on Rules (1933–1951)*, p. 224–225.



"I Said I Had Him Trained—Notice How He Sits Up?"

HOUSE RULES COMMITTEE
CONGRESS
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## *The Legislative Reorganization Act of 1946*

During the mid-1940's, Members of Congress began to push for congressional reforms. Conservatives wished to see the legislative branch strengthened as a counterweight to the increasingly ascendant Executive; liberals wanted to see the development of more effective policymaking procedures in the Congress. These sentiments led to the establishment of a Joint Committee on the Organization of Congress, whose efforts during the 79th Congress ultimately produced the Legislative Reorganization Act of 1946.[47]

The most important changes in the structure of Congress made by the Reorganization Act were the reduction in the number of standing committees (from 48 to 19 in the House and from 33 to 15 in the Senate) and the consolidation of their jurisdictions. Once critical policy areas had become trivial and no longer required separate standing committees to address them. In the place of these older policy issues, new ones were arising which called for a different committee structure if they were to be addressed in an efficient manner. The Act was the first significant reorganization of House committees since the rules revision of 1880, and it had a marked impact on nearly every House Member and every committee, including Rules.

As the Joint Committee's deliberation on the committee system progressed, the Committee on Rules came under scrutiny. Critics of the Rules Committee expressed disapproval of its practice of tailoring rules to promote legislation that accorded with its own sentiments and of acting to block bills that did not. They deplored the Committee's independence from, and lack of responsiveness to, the leadership of the majority party.[48]

Among the members of the Rules Committee prominent in defending it against these criticisms were Cox and Michener, both members of the Joint Committee, and Clarence Brown (R-Ohio). They argued that the Committee used its discretion to protect the integrity of complex pieces of legislation and, at the same time, to preserve the ability of a majority on the floor to work its will. In any case, they pointed out, the work of the Committee was always subject to being overruled by the House through the use of the discharge petition.[49]

To deal with the perceived problems in the functioning of the Committee, Christian A. Herter (R-Mass.), later to become a member of the Rules Committee, urged before the Joint Committee that Rules ought not "to have the right to block a favorable report of a

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[47] Joseph Cooper, *Congress and Its Committees* (Unpublished Ph.D. diss., Cambridge, Mass., Harvard University, 1960), Chapter 3, Introduction, p. 1.

[48] Ibid., part R, pp. 11-12.

[49] Ibid., pp. 13-14.

Committee from being presented to the House."[50] Accordingly, he proposed that the Committee be required to grant rules on all bills so reported within a specified time limit. In a similar vein, Sherman Adams (R-N.H.) suggested that a bill unanimously reported from a committee should automatically receive a rule.[51] Taking another tack, Daniel Kornblum of the Union for Democratic Action, a liberal citizens' organization, proposed reducing the number of signatures required on a discharge petition from one-half to one-third of the House Membership, or 145 Members, as it had been before 1935.[52]

All of these proposals for revising the operations of the Rules Committee faced a similar problem: how to limit the Rules Committee's capacity for making decisions independently of the House and House leadership without denying it the discretion necessary to carry out its "traffic cop" function, a function that both critics and supporters agreed was essential.[53] As supporters noted, the two were often inseparable; any decision to make a potentially non-germane amendment in order, for example, could be interpreted as a decision in support of the amendment.[54]

As enacted, the Legislative Reorganization Act made several changes in Rules Committee procedures. The requirement that the Committee authorize investigations by standing legislative committees was abolished, although the Committee's authority over the establishment of special and select investigative committees was retained. The eligibility of the Speaker to join the Committee, abolished as part of the revolt against Speaker Cannon in 1910, was restored. (As yet, no Speaker has taken advantage of this opportunity.) However, a provision for party policy committees—a potential threat to the Rules Committee included in the Joint Committee's recommendations—was not part of the reorganization bill when it reached the House floor. In sum, the Legislative Reorganization Act of 1946 significantly altered the organization of Congress and its committees but left the Rules Committee virtually untouched.

By the end of the 79th Congress, the House Rules Committee had not merely ceased to be an arm of the majority party leadership on key issues, but, more importantly it had developed as an independent base of power in the House. Resources available to the Committee due to its strategic position in the House were being used more extensively and creatively than at any previous time. In the 80th Congress they were to be harnessed by a new majority party that would use them to manage its programs.

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[50] U.S. Congress, Joint Committee on the Organization of Congress, Organization of Congress Hearings, 79th Congress, 1st Session, Part I, March 13-28, 1945. (Washington, D.C.: U.S. Government Printing Office, 1945), p. 104.

[51] Ibid., Part II, April 2-30, 1945, p. 335.

[52] Ibid., Part IV, June 1-29, 1945, p. 933.

[53] Cooper, *Congress and Its Committees*, Chapter 3, Part E, p. 11.

[54] Ibid., p. 14.

## Rules as an Arm of the Republican Leadership: The 80th Congress (1947–1949)

The 1946 election returned the Republican Party to majority status in the House for the first time since 1930. It is not surprising that after sixteen years as the minority, the Republicans in the 80th Congress operated in a fairly cohesive manner, just as the Democrats had in the 72nd and 73rd Congresses when they took over after twelve years of frustration as the minority. No longer was it necessary for the Republicans to rely on a coalition with southern Democrats to pursue their policy objectives.

The Republican House leadership made crucial use of the Rules Committee in achieving its party's legislative goals in the 80th Congress, and for this brief two-year period (1947–1949), the Committee returned to its pre-1937 status. A number of factors contributed to the Rules Committee's resurgence as a party agent. First, there were a large number of vacancies for the Republican leadership to fill on the Committee. Second, the new Speaker, Joseph Martin, and the new majority leader, Charles Halleck, both had served on the Rules Committee. And third, when these two factors were combined, many of the tactics used previously by the conservative coalition to thwart the Democratic leadership could be altered and used to expedite the Republican program in the House. Some elaboration of each of these points will better illustrate how they served as important ingredients in the Republican controlled 80th Congress.

With Republicans in the majority, the party ratio on the Rules Committee in 1947 switched to eight Republicans and four Democrats. Four new Republican seats thus became open on the Committee. Then when Halleck became majority leader and Michener accepted the chairmanship of the Judiciary Committee two more vacancies were created. The Republican leadership generally filled these vacancies with loyal Republicans. All had served at least four years in the House prior to their appointment. And the group included a former United States Senator, James W. Wadsworth, Jr. (N.Y.), and a future Secretary of State, Christian A. Herter (Mass.), who also happened to be Wadsworth's son-in-law. Having just been appointed, these new Rules members were not about to oppose the party leaders who had placed them on the Committee. Similarly, the Republican holdovers—Leo Allen, the new chairman, and Clarence Brown—had served on the Committee with Halleck and had impeccable Republican credentials. Furthermore, there was no fear of the more moderate of the Republicans engaging in a coalition with the Democrats. With the Democrats reduced to four members, Sabath remained the sole liberal in the group that included Cox, Smith, and Clark.

Martin's and Halleck's previous service on the Rules Committee was of considerable importance. Martin could remember a time when the Rules Committee had assisted the Speaker, and he and Halleck knew first-hand the damage an independent Committee could do to a party's program. It is therefore not surprising that Martin kept tight control over the Committee. He is credited with determining its agenda and in effect being its "ex-officio" chairman.[55] This evaluation may be a slight exaggeration, but it recognizes Martin's interest in and influence on the Committee.

Most importantly, the Republican leaders knew how to use the Committee as a resource. They exploited two primary tools of the Committee's rule-writing function: the granting of closed rules and the use of waivers of points of order on appropriations bills. During the 80th Congress, nine bills and resolutions were brought to the floor under closed rules. This was the highest in any Congress since the 73rd when ten closed rules were granted, eight of which came during the famous first hundred days of the Roosevelt presidency. In the intervening period there had been an average of only three closed rules per Congress.[56] Several of the closed rules in the 80th Congress were on tax bills, which was the normal practice. In addition, they were also applied for floor consideration of a commodity price stabilization bill, an extension of the Reciprocal Trade Agreement Act, a bill amending the Social Security Act, and two legislative budget provisions. The closed rules were defended on the grounds that the matters were too complex to be opened up for amendment on the floor, but they also helped to hold the Republican majority together in the passage of committee bills.

Just as the Republicans had complained about "gag rules" in the 73rd Congress, the Democrats objected in the 80th. The debate on the rule on the commodity price stabilization bill was particularly heated. It was the end of the first session, and Republicans wanted to pass the Senate version of the bill to avoid a conference where additional delay might occur. First they tried unsuccessfully to pass it under suspension of the rules. Unable to obtain the necessary two-thirds vote, they brought it back to the floor with a closed rule. Even conservative Rules Democrats Smith and Clark objected to the closed rule. While Clark acknowledged that the Democrats had used closed rules, he argued that the circumstances now were different:

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[55] Van Hollen, *The Committee on Rules (1933-1951)*, pp. 243-244.

[56] *Congressional Record*, vol. 93, December 19, 1947, (80th Congress, 1st Session) pp. 11721-11722.

> I know that the Democrats have in times past, brought in some closed rules and maybe some bills that were a little damp, but that occurred . . . following some 12 or 14 years of Republican rule after which the situation in this country was pretty desperate and something had to be done in a hurry.[57]

Knowing he had the votes, Chairman Allen made the Republican case very concisely:

> I will say that I do not like closed rules, but it was either a closed rule which did not permit the offering of amendments—for amendments would necessitate a conference with the other body and this would mean no bill—it was either a closed rule or no bill.[58]

Not all the strategies the Republicans advanced for using the Rules Committee to expedite its legislative objectives were as simple as having it grant closed rules. An original tactic the Republicans designed in the 80th Congress involved providing for waivers of points of order on appropriation bills. In the past, the Rules Committee had granted such waivers on appropriation bills which contained authorizing language or funded unauthorized programs. In 1947 the Republicans adopted this approach. They granted a number of rules waiving points of order against provisions in appropriation bills which effectively deauthorized programs by disbanding or restricting the agencies operating them. This enabled the majority party to avoid going through the authorizing committees where members' constituency attachments might make it difficult for them to cut back or abolish programs. The Republicans' defense of this technique, which they applied on six appropriations bills in the 80th Congress, was that their actions were no different than what Democrats had done in the past in avoiding certain committees. But Democrats like John McCormack disagreed. He contended that there was a substantive difference: "invariably in the past it was where the Appropriations Committee made an appropriation for some activity for which there was no authority in law. This is a rule repealing in whole or in part existing laws. . . ."[59]

Only on foreign policy issues did the Rules Committee occasionally balk at the party leadership. Usually the Committee reported the legislation when urged to do so by the Republican leadership. Republican members of the Rules Committee even showed themselves willing to report a rule on legislation they personally opposed. In one case, the Republican Steering Committee had formally to approve a bill authorizing United States participation in the World Health Organization before a rule was granted.[60] Even the Universal Military

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[57] Ibid., p. 11724.

[58] Ibid., p. 11722.

[59] *Congressional. Record,* vol. 93, May 27, 1947, (80th Congress, 1st Session) p. 5826.

[60] Lapham, *Party Leadership and the House Committee on Rules,* pp. 174–177. In this case certain restrictive amendments were required before a rule was granted.

Training bill, which Chairman Allen opposed and Speaker Martin favored, eventually reached the floor after modifications were made.

For the most part, the Rules Committee during the 80th Congress was an effective agent of the majority party: none of its reported rules were defeated on the floor, and on only fourteen pieces of legislation did it not grant rules. Most of those were minor bills or ones opposed by the Republican leadership. As an arm of its party, the Rules Committee expedited Republican programs in the House and served in a way not seen since the 73rd Congress and therefore unfamiliar to most House Members. The 80th Congress and later the 83rd were only interludes in this period, reminders of how the Rules Committee functioned before 1937.

## The 21-Day Rule and the 81st to 83d Congresses (1949–1955)

Following the unexpected reelection of President Truman in 1948 and the return of the Democratic Party to majority status in the Congress, Democrats faced the problem of how to enact the legislation promised in the party's platform, especially with the conservative coalition still in control of the Rules Committee. Of the three conservative southern Democrats on the Committee in the 80th Congress, only one, J. Bayard Clark who retired from the House, did not return. And under existing procedures, William Colmer, who was bumped from Rules when the Republicans were in the majority, would have a claim to the first vacancy. Majority Leader McCormack already had assured Colmer that his claim would be protected. Even if the three remaining Democratic seats were given to Members loyal to the leadership, the best that could be hoped for was a 7–5 split against it. Many House Democrats feared that the Rules Committee would refuse to report rules for crucial items in the party's legislative program.

Various proposals were floated that would strengthen the majority party's hand in dealing with the Rules Committee: lowering the discharge requirement from 218 signatures to anywhere from 100 to 174; requiring that the Rules Committee report a rule within a fixed time with either a favorable or unfavorable recommendation; and the use of the Rules Committee as a "second thought" committee—allowing it to deny a rule once, but preventing it from doing so a second time if the committee requesting the rule again reported the legislation.[61]

The member who served as the catalyst for curbing the Rules Committee's power was Herman Eberharter (D-Pa.), a northern liberal. On December 10, 1948, he sent to the Members-elect of the 81st Congress a letter calling for the amendment of House rules at the start of the new Congress "to deprive the committee of its broad powers to block consideration of, or to demand changes in, legislation. . . ." [62] Eberharter rejected the idea of enlarging the committee as not one curing the basic problem, although no doubt he realized that such a proposal would be strongly opposed.[63] Instead Eberharter and a small steering committee of House Democrats formulated their own rules change for bypassing the Rules Committee and presented it to the House Democratic Caucus where it was endorsed in amended form by a vote of 196 to 48. When the House met on February 3, Chairman Sabath offered H. Res. 5, the resolution for adopting rules for the 81st Congress. It called for the rules of the 80th Congress to be continued with one exception: Eberharter's proposal was added to Paragraph (2)(c) of Rule XI. The change allowed that if the Rules Committee should adversely report or fail to report after 21 days a resolution pending before it for the consideration of a public bill or joint resolution, the chairman of the committee which favorably reported that legislation could call up the resolution providing for the consideration of that measure on discharge days. This so-called "21-Day Rule" also provided that the Speaker "shall recognize" the chairman and that the matter is to be considered a question of "highest privilege." [64] On this proposed change, Speaker Rayburn did not commit himself. He had come to the House shortly after the revolt against Cannon and generally would not support giving additional powers to the leadership. Nevertheless, without debate H. Res. 5 was adopted with the roll call coming on ordering the previous question by a vote of 275 to 143. Voting for the rules change were 225 Democrats, 49 Republicans, and 1 Independent; against the change were 111 Republicans and 31 southern Democrats. Of the members who would serve on the Rules Committee in the 81st Congress, five Democrats supported the change, including southerner, John E. Lyle, Jr. (D-Tex.), who was handpicked by Speaker Rayburn.

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[61] Ibid., pp. 188–189.

Three features of the 21-Day Rule deserve attention because of their significance when the rule was applied. First, the power of recognition given to the Speaker gave him too much authority, some Members feared. Several days after adoption of the rule, Majority Leader McCormack assured members that the words "shall recognize" meant that "recognition . . . is not a question of discretion." [65] However, the question of discretion did come into play when more than one chairman sought recognition. Second, the 21-Day Rule allowed only the chairman to call up the resolution. If a committee chairman opposed a bill reported by his committee and languishing before the Rules Committee, no other committee member could be recognized under the 21-Day Rule procedure. Third, and most significantly, the procedure could not be used to prevent the Rules Committee from granting a rule that the committee reporting the bill did not desire. Each of these factors affected the implementation and effectiveness of the 21-Day Rule.

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[62] For the text of Eberharter's letter, see *Congressional Record*, vol. 95, January 3, 1949 (81st Congress, 1st Session), p. A6.

[63] Ibid.

[64] *Congressional Record*, vol. 95, January 3, 1949 (81st Congress, 1st Session), p. 10.

[65] Ibid., p. 102.

Speaker Rayburn used his discretionary power of recognition late in the 1st session of the 81st Congress to prevent Congressman Rankin (D-Mass.), chairman of the Veterans' Affairs Committee and an ardent opponent of the leadership, from calling up a veterans' hospital bill which the leadership was glad to keep bottled up in the Rules Committee. The Speaker arranged for John Kee (D-W. Va.), Chairman of the Foreign Affairs Committee, to seek recognition for the purpose of calling up a rule for a bill reported from his committee under the 21-Day Rule. Thus, Rayburn avoided being put in the awkward position of having to assist the movement of legislation the leadership opposed.[66] But the event revealed a potential problem for the leadership with the 21-Day Rule. At the time, the Rules Committee served as a burial ground for legislation the leadership did not want to bring to the floor.

In the case of the Postal Service Reclassification Bill, the 21-Day Rule was of no use to the bill's proponents. Although the Rules Committee would not grant a rule, nothing could be done. Thomas Murray (D-Tenn.), chairman of the Post Office and Civil Service Committee, opposed the bill and would not seek recognition under the 21-Day Rule.[67]

The 21-Day Rule affected the Committee's ability to grant rules in ways *not* requested by the committees reporting the legislation. This was perhaps its most serious limitation. Although the 21-Day Rule was designed to constrain the Rules Committee, it often was used in its favor, constraining instead the reporting committees. On a number of bills in the 81st Congress, conservative members of the Rules Committee effectively prevented the reporting committee from bringing its own rule to the floor under the 21-Day Rule provision. On the Fair Labor Standards Act Amendments, the Taft-Hartley repeal, and the Agriculture Act of 1949, rules were granted, but in each case the Rules Committee made a conservative substitute amendment in order for the committee bill—rather than the rule requested by the reporting committee.[68] This effectively gave the substitutes priority consideration over the committee bills. Similarly, the Committee could not be forced to cooperate in granting waivers on appropriation bills. In the 81st Congress, the record is mixed. When the appropriation bill contained benefits for the South, cooperation was generally forthcoming.

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[66] Lapham, *Party Leadership and the House Rules Committee*, pp. 208-211. See also Glendon A. Schubert, "The Twenty-One Day Rule," *Political Science* 5 (1953): 16-29.

[67] Ibid., p. 232.

Despite its drawbacks, the 21-Day Rule did help the Democratic Party get some of its legislative programs through the Rules Committee. At the end of the 1st Session, Congressman Chet Holifield (D-Cal.) claimed that on at least four bills the 21-Day Rule had been crucial. The anti-poll tax bill and the rivers and harbors bill had been brought to the floor through use of the 21-Day Rule. On two other measures (a housing and slum clearance bill and the Fair Labor Standards Act amendments), the threat of the 21-Day Rule had forced the Rules Committee to act, albeit in these cases the Committee had designed the rule to its liking.[69]

The 21-Day Rule was a sufficient irritant to the conservative majority on the Rules Committee that shortly after the start of the 2nd Session, Cox moved that the Rules Committee report his resolution repealing the year-old provision. When Chairman Sabath attempted to open the matter to hearings instead of reporting it immediately, the coalition's seven votes prevented the delay.

Efforts to repeal the 21-Day Rule, however, were complicated by efforts to bring a controversial civil rights measure—the Fair Employment Practices Commission (FEPC) bill—to the floor through the 21-Day Rule procedure. Passage of the Cox repeal resolution would effectively prevent the FEPC bill from reaching the House floor. On January 23, the FEPC bill would become eligible for consideration under the 21 Day Rule. Thus repeal resolution was linked to efforts by southern Democrats to prevent its consideration on the floor, although that was not the only impetus behind the repeal movement. The southern Democrats, however, made a strategic error. They favored voting on the 21-Day Rule repeal on Friday, January 20, one legislative day before the FEPC bill could be brought up. In this way they hoped to pressure southern Democrats, otherwise open to leadership persuasion, to vote for repeal. After much bickering over the scheduling of the vote, the Democratic leadership agreed to the southerners' request. Correctly, Rayburn and McCormack realized that joining the two issues also would put Republicans on the spot. If Republicans voted to support the Cox repeal resolution, they would be seen as opposing the FEPC bill.

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[68] Ibid., pp. 218, 222-224.

[69] *Congressional Record*, vol. 95, October 19, 1949, (81st Congress, 1st Session), pp. 15096-15097.

Minority Leader Martin aware of the implication of the vote, tried unsuccessfully to adjourn the House. When the repeal vote was taken, his party was badly split. Sixty-four Republicans voted with 171 Democrats and 1 Independent to retain the rule, while 98 Republicans and 85 Democrats (all from southern and border states) voted for repeal. The civil rights overtone to the procedural issue won Cox the vote of 54 more Democrats than a year earlier, but the tradeoff was a loss of 15 more Republicans.

The debate on the repeal resolution is of particular interest on a number of grounds. First, many Speakers contended that the FEPC was not involved in the 21-Day Rule repeal, yet the frequency of its mention indicates that it was a crucial factor in the vote. Second, there is clear recognition of conservative coalition control of the Rules Committee. In opening the debate Chairman Sabath lamented:

> There is an unfortunate condition that exists in the Rules Committee because . . . three members of the Committee on Rules elected as Democrats on the Democratic ticket in name only, unfortunately vote and gang up with the Republicans, leaving me, the chairman and the other real Democrats on the committee in a minority.[70]

Ray Madden (D-Ind.), one of Sabath's "real Democrats" on the Committee, reiterated this view, as did Speaker Rayburn. In response to Congressman Allen's attack on the Truman program during the debate, Rayburn countered:

> . . . the gentleman from Illinois (Mr. Allen) has laid down the issue: and I could think that I saw my friend from Georgia [Mr. Cox] wince when he laid it down: Whether or not the program of the successful party in the last campaign is going to be sabotaged. That is what he said in so many words. Who won the election of 1948, anyhow? [71]

Cox replied:

> There has never been a time when the present Speaker of this body, or his predecessor, the gentleman from Massachusetts [Mr. Martin], made a request of the Rules Committee for a rule on any bill but what the request was honored. . . .[72]

Cox's claim may have been correct. Certainly, party leaders sometimes allowed the Rules Committee to take the blame for pigeonholing legislation they did not wish to bring to the floor. But often the Speaker simply would make no request when he knew there was no chance of success or when the cost of Rules Committee cooperation was too great. Finally, by the time of the debate Sabath reported that 33 resolutions had been filed by chairmen wanting to avail themselves of the 21-Day Rule procedure.[73]

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[70] *Congressional Record,* vol. 96, January 20, 1950, 81st Congress, 2nd Session, p. 706.
[71] Ibid., p. 708.

[72] Ibid., p. 711.
[73] Ibid., p. 706.

An important footnote to this struggle concerns the FEPC bill. On the discharge day following defeat of the 21-Day Rule repeal, Speaker Rayburn used his discretionary power to recognize Public Lands Committee Chairman Hardin Peterson (Fla.) to call up a resolution for consideration of the Alaska and Hawaii statehood bills under the 21-Day Rule, instead of Chairman John Lesinski (Mich.) of the Education and Labor Committee who sought recognition to call up a rule for the FEPC bill. Again, a rule for the FEPC bill was sought from the Rules Committee and again was denied. Efforts were made to discharge the Rules Committee from consideration of the FEPC bill, but it finally reached the floor through application of the rarely used Calendar Wednesday procedure.[74]

The 21-Day Rule continued to be applied in the 2nd Session of the 81st Congress. Among the rules brought to the floor under the provision were the statehood bills for Alaska and Hawaii, a bill establishing the National Science Foundation, a mineral bill, and a veterans' hospital bill.[75] The last two were not items in the Truman program. The rule might have been used more often, but there was a reluctance on the part of committee chairmen to do so. Knowing that they would have to deal with the Rules Committee on a number of matters, they wanted to avoid a conflict with its members. Moreover, the leadership preferred, when possible, to use other procedures to circumvent the Rules Committee rather than resort to the 21-Day Rule.[76]

Clearly, the 21-Day Rule was not a panacea for the difficulties conservative coalition control of the Rules Committee presented for the Democratic majority in the House. However, it did allow for a number of important bills to reach the floor in the 81st Congress which otherwise would not have. Further, it gave the leadership a little more leverage in dealing with the Rules Committee. From the standpoint of focusing on the role of the Rules Committee in the House, the 21-Day Rule has additional significance. It represents the first major effort to constrain an "independent" Rules Committee and to challenge the way that Committee exercised its responsibility. At the start of the 82nd Congress in 1951, the 21-Day Rule was repealed, but it foreshadowed the struggle that was to come later.

Republican victories in the 1950 congressional elections made repeal of the 21-Day Rule a foregone conclusion. The Republicans gained 28 seats again primarily at the expense of northern Democrats, and there was no FEPC issue to keep them from voting against repeal. When Chairman Sabath offered a resolution on the floor to keep the rules of the 81st Congress in place for the 82nd, a coalition of southern Democrats and Republicans easily voted down the previous question and passed the Cox amendment repealing the 21-Day Rule. Over three-quarters of the Republicans supported the repeal (including 42 of the 44 freshmen), while support for repeal among the Democrats increased only slightly. The debate reflected the anticlimatic nature of the change. Speaker Rayburn left the leadership's case for retention of the 21-Day Rule in the hands of Majority Leader McCormack and chose not to address the House. Perhaps the most significant comment during the debate came from Cox when he qualified his statement of the preceding year regarding the Rules Committee's response to leadership requests.

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[74] The Calendar Wednesday procedure was adopted in 1909 to limit Speaker Cannon's control of floor scheduling. It provides that on each Wednesday the Speaker calls the roll of standing committees in alphabetical order and allows the chairman or other designated members to call up pending measures reported from their committees but for which no rule has as yet been granted. If a bill is called up under the procedure, only two hours of debate are permitted, and action must be completed on that day. Because committees are called in alphabetical order, it may take weeks before a committee gets its turn.

[75] Lapham, *Party Leadership and the House Rules Committee*, p. 261.

[76] Ibid., p. 266.

> I should say, however, that the Speaker would never make a request that involved the sacrifice of principle. The present Speaker and his predecessor never on a single occasion sought to high-pressure the Rules Committee, as much can be said of the majority and minority leaders.[77]

With a modest-sized Democratic majority in the House, repeal of the 21-Day Rule, and a relatively unchanged makeup of the Rules Committee, the 82nd Congress resembled the 79th, at least in some respects. Many of the Committee's tactics remained unchanged—granting rules after concessions were made, denying rule requests, and granting rules not as requested by the reporting committee. This procedural repertoire of the coalition was essentially completed by 1946. The experience of the 21-Day Rule, however, appeared to have tempered, at least temporarily, the vigor of the Rules Committee. In addition, the 1950 election affected the legislative activism of other House committees, thus reducing the potential for conflict with the Rules Committee. Still twenty requests for hearings on rules were not granted, and on eight bills the Committee denied rules after holding hearings.[78]

The 83rd Congress gave the Republicans their first opportunity since the 71st Congress (1929–1931) during Hoover's first term to control the Presidency, Senate, and House. President Dwight D. Eisenhower's election was accompanied by a 22-seat Republican gain in the House and substantial changes on the Rules Committee itself. Not only did the Republicans gain four new Rules members, but Sabath and Cox, antagonists on the Committee since 1931 (Sabath was appointed in late 1929), both died in late 1952.[79] Nevertheless, experience was not lacking on the Committee. Leo Allen resumed the chairmanship which he had held in the 80th Congress, and he was supported by Clarence Brown who already had ten years of service on the Committee. On the minority side, Howard Smith, who had been on the Committee since 1933, became the ranking member.

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[77] *Congressional Record*, vol. 97, January 3, 1951, (82nd Congress, 1st Session), p. 18.

[78] James A. Robinson, *The House Rules Committee* (Indianapolis, Bobbs-Merrill, 1963), pp. 24–27.

[79] Actually, one Republican added in 1953 was not new to the Committee. J. Edgar Chenoweth (Colo.) served in the 80th Congress, but was defeated for reelection to the 81st Congress. He won his House seat back in the 1950 election.

As in the 80th Congress, the Rules Committee in the 83rd worked closely with the Republican leadership as an instrument of the party. At times, however, the Committee's loyalty to the leadership and President Eisenhower extended too far to suit some House Republicans.

On June 27, 1953, after hearing testimony from Majority Leader Halleck, the Rules Committee reported a rule for the consideration of H.R. 5899, an extension of the excess profits tax. The bill had been introduced and referred to the Ways and Means Committee only two days earlier. Naturally, Ways and Means Chairman Daniel Reed (N.Y.) took the floor to object to this action by the Rules Committee on behalf of the leadership. He claimed that the matter was not an emergency and that the precedents for the Rules Committee's action set forth by the leadership were not applicable to the case. Citing the jurisdiction of the Committee on Rules under the Legislative Reorganization Act of 1946, Reed claimed: "Nowhere is there the remotest color of sanction for initiation of legislation by the Rules Committee." [80]

The reason for this action by the Rules Committee and the Republican leadership was to urge better cooperation from Ways and Means Republicans on Eisenhower's tax programs. In February 1953, Ways and Means had reported a tax reduction bill on which Reed had requested a rule and which was not supported by the administration. Chairman Allen refused to schedule a hearing and avoided further embarrassment of the administration. When renewal of the

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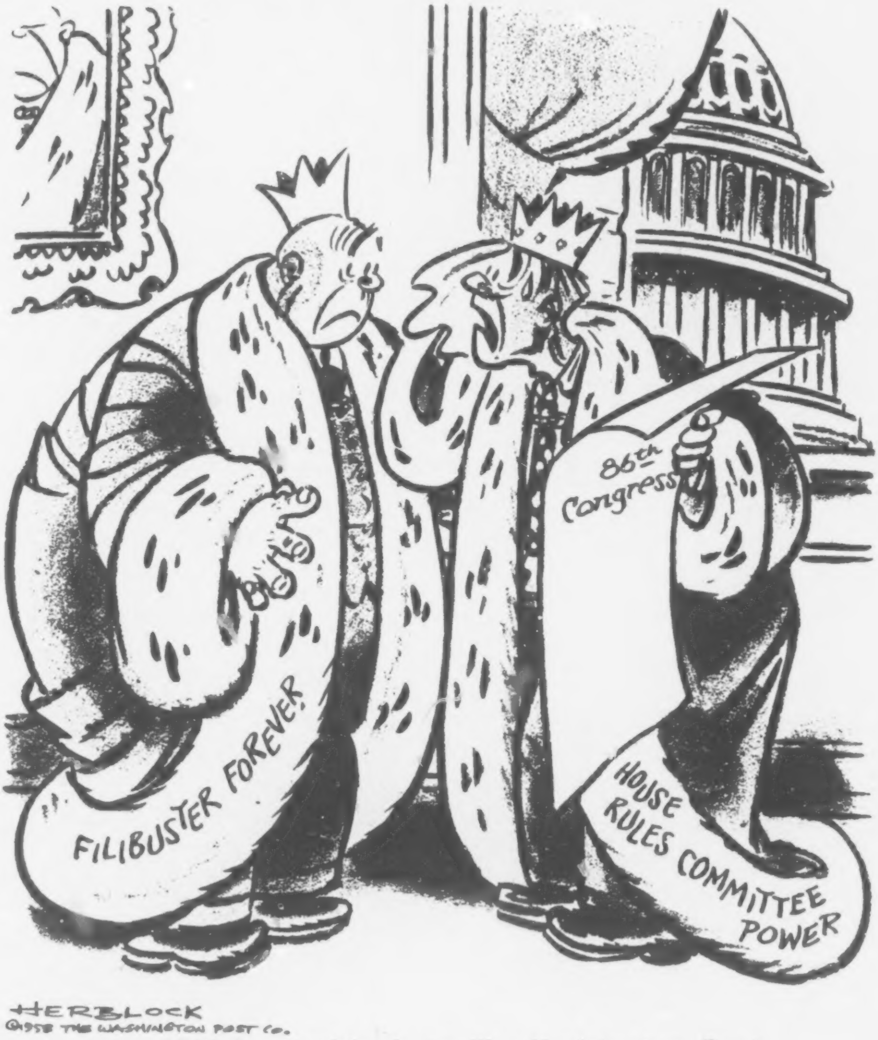
[80] *Congressional Record*, vol. 99, June 29, 1953 (83rd Congress, 1st Session), p. 7577.

## "Some Of These Democrats Seem To Have A Dangerous Belief In Democracy"


BUSS
86th Congress
FILIBUSTER FOREVER
HOUSE RULES COMMITTEE POWER
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excess profits tax arose, polling of Ways and Means Republicans by the Speaker showed 10 out of 15 were opposed to extension.[81]

Under these circumstances, the Republican leadership asked the Rules Committee to report the legislation. However, the leadership did not call up the rule once an accommodation was reached with Chairman Reed and the Ways and Means Committee members. Although the case of the excess profits tax extension is unusual, it provides an excellent example of how the Rules Committee worked with the majority party leadership to expedite party programs.

## Howard Smith, Chairman and Leader: The 84th–86th Congresses (1955–1961)

The Rules Committee working as an arm of the majority party again lasted for only a single Congress, the 83rd. Although Democrats won 232 House seats in the 1954 election and with them formal control of the House in the 84th Congress, the conservative coalition remained in control of the Rules Committee. The nature of its influence, however, had changed. For the first time, a Democratic member of the coalition, Howard W. Smith, became the Committee's chairman, a position he was to retain through 1966. This proved to be a particularly critical change in Rules Committee operations.

Unlike most other committees, the Rules Committee lacked written procedures, leaving the chairman with broad discretion to direct its operation. According to Rules Committee scholar James Robinson, the chair could decide when to call meetings, whether to proceed without a quorum, how to set the agenda, and when to put an issue to a vote. In addition, the chairman controlled the reporting of Rules Committee resolutions and their calling up on the House floor, or he could assign these tasks to other members. Finally, the chairman was at the communications center of the Committee. Requests for hearings were sent to the chairman, not to other members of the Committee.[82]

As previously discussed, in the hands of Adolph Sabath these powers were at times useful in assisting the House Democratic leaders in their struggle with the Committee's conservative majority.[83]

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[81] Ibid., p. 7580.

[82] Robinson, *The House Rules Committee*, pp. 84–88.

[83] On one occasion Cox tried to remove from the chairman the power to call up rules to which the chairman was opposed, a tactic often employed by Sabath, and provide that any member could call them up. Neil MacNeil, in *Forge of Democracy* (New York: David McKay Company, 1963) p. 103, recounts the episode as told to him by Clarence Brown. When Cox brought the matter before the Committee:

"Sabath, then in his eighties, begged Cox not to insist on his resolution. Sabath, his voice breaking, pleaded that he had a weak heart. 'Mr. Cox, this will kill me. if you pass this resolution. The humiliation! It will kill me'. Cox . . . was adamant. 'I don't care,' he said. 'You have delayed this too long.' Sabath abruptly lurched forward, pitched out of his committee chair and fell sprawling

Continued

However, these powers were more useful in delaying conservative initiatives than in expediting the course of the Roosevelt and Truman legislative programs. The same powers in the hands of Howard Smith (described by Richard Bolling, his consistent antagonist on the committee, as having a "storehouse of political wisdom") became a major obstacle to Democratic domestic programs in the 1950's and 1960's.[84] It was not merely Smith's possession of these resources as chairman that made him and the Rules Committee influential in the operation of the House. It was that he both knew how to use them and chose to use them to the fullest that led to his effectiveness. Only under unusual circumstances, such as the 1957 fight over the civil rights bill, was Judge Smith (he had been a Virginia district judge prior to his election to the House) seriously constrained in exercising the full power of the chairmanship.

In part, Smith's skill resulted from his thorough knowledge of House rules and how to use them. But perhaps more importantly, he was a person who could foresee the long-term repercussions of his own actions as well as those of others. In Congress, an institution that often focuses on issues of the moment, Smith possessed an almost unique ability to address a problem of the moment without losing sight of the overall plan. He was not only planning for tomorrow or the following week but for next year or the next Congress. Moreover, unlike Cox who had an uncontrollable temper at times, Smith had an unabrasive style. Clare E. Hoffman (R-Mich.) once described Judge Smith as "one of the wisest, foxiest, smoothest, soundest operators that ever came to Congress in my time." [85] If anything, Hoffman may have understated the case.

Finally, Smith's political philosophy was well suited to the Rules Committee chairmanship. As a staunch conservative who believed in states rights and opposed the growth of the federal government, he could find no position in the congressional process more valuable to his cause than that of head gatekeeper controlling the flood of legislation to the House floor.

Despite changes in the Democratic membership of the Rules Committee at the start of the 84th Congress, Smith was effective in leading its conservative coalition. Of the eight Democrats on the Com-

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onto the carpeted floor at Cox's feet. He lay motionless. Cox leaped up. 'My God,' he exclaimed, 'I've killed him!' Committee members rushed to Sabath's aid; four of them carried him into the chairman's adjoining office, and laid him out on a large leather couch. All of the committee members, except Clarence Brown of Ohio, dashed off to get medical help. Brown, still puffing from the exertion of carrying Sabath to the couch, stood over the prostrated chairman. As Brown watched, Sabath opened one of his eyes, and stole a look around the room. 'Why you old rascal,' said Brown, 'there's nothing wrong with you.'

"'Well", said Sabath, smiling, 'Mr. Cox didn't get his resolution, did he?'"

[84] Richard Bolling, *House Out of Order* (New York: E.P. Dutton & Co., 1965), p. 79.

[85] *Congressional Record*, vol. 91, June 20, 1945 (79th Congress, 1st Session), p. 6372, as quoted in Van Hollen, *The House Committee on Rules (1933-1951)*. pp. 124-125.

mittee, six were loyal to the party leadership on most issues. In particular, three of them—Homer Thornberry (Tex.), Richard Bolling (Mo.), and Thomas P. (Tip) O'Neill, Jr. (Mass.)—had political and personal ties to the leaders (to Rayburn in the cases of Thornberry and Bolling and to McCormack in the case of O'Neill). Usually, Smith could count only on Colmer among the Democrats and on the four Republicans to side with him. While this support was sufficient to produce a 6–6 deadlock, thereby preventing legislation the coalition opposed from being reported, it reduced the coalition's ability to make the Rules Committee a vehicle for initiating conservative positions. Compared to Cox, whose leadership of the Committee was based on his ability to influence the seven to ten conservative members on the Committee, but who lacked the resources of the chair, Smith possessed the minimal number of votes but excercised leadership of the Committee through his skilled use of the chairmanship.

During the 84th to 86th Congresses, Smith and the Rules Committee made crucial decisions affecting the course of domestic legislation, much of which had first been initiated during the Truman administration, including aid to education, housing, area redevelopment, minimum wage, and civil rights. To stop, delay, or modify this legislation to which he was philosophically opposed, Smith used a variety of tactics: preventing the Committee from considering the legislation, denying a rule for the legislation once it was considered, obtaining substantive concessions in the legislation before granting a rule, slowing the movement of legislation through the Committee so that it could not be enacted before the given Congress adjourned, trading the granting of a rule on one item of legislation for the promise that other items would not be brought up, or using the Committee's influence over scheduling to affect the chances for passage of legislation on the House floor.

Smith had ample opportunity to exercise these powers of the chairmanship during the 84th Congress. When the area redevelopment bill, legislation designed to assist economically depressed rural areas, passed the Senate and was reported by the House Banking and Currency Committee, Smith "disappeared in his Virginia district and refused to call a meeting" of the Rules Committee.[86] Legislative committees had to "water down" their bills on housing, absentee voting, doctors' draft, and polio vaccine innoculation before rules were granted.[87] Otherwise, Smith simply would refuse to place them on the agenda for Rules Committee consideration.

The only major defeat Judge Smith suffered during the 84th Congress came on a civil rights bill. On this issue most Republicans split with the southern Democrats. Nevertheless, getting a rule for the bill was not an easy task. First, the Rules Committee had to force Smith to schedule a hearing on the bill. When this was achieved, Smith countered by scheduling many witnesses to testify at the hearings, thus delaying action by the Committee. The Rules meeting dragged on, and when several Committee members left Washington to meet other commitments, Smith seized this opportunity. He simply adjourned the meeting by recognizing the lack of quorum. Again, the action of other Rules members was required before another meeting to continue the hearings could be called. Finally, a rule was obtained but not until just before the July 4 recess, thus delaying floor consideration even further.[88]

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[86] James L. Sundquist, *Politics and Policy* (Washington, D.C.: The Brookings Institution, 1968), p. 65.

[87] Bolling, *House Out of Order*, p. 204.

Even in this loss, Judge Smith may have achieved a victory of sorts. He had allowed a rule to be granted on an aid to education bill—the Kelley bill, named after its chief sponsor, Augustine B. Kelley (D-Pa.) just before the Committee's consideration of the civil rights bill. Although Smith opposed both bills, he clearly gained a strategic advantage by allowing the Kelley bill to be scheduled first. It contained a Powell amendment that prohibited the use of funds for segregated schools.[89] If the amendment remained in the bill, enough southern Democrats would join Republicans to defeat the aid to education measure. But to remove the Powell amendment would require the backing of northern Democrats, thereby casting seemingly anti-civil rights votes on the Powell amendment. If they could have voted first for a civil rights bill, it might have been possible for them then to vote to remove the Powell amendment without being tagged as hostile to civil rights. Whether Smith foresaw the advantage is not known, but it is argued "if the Rules Committee had been in friendly hands, the order . . . would no doubt have been reversed. . . ."[90]

Judge Smith's influence went beyond liberal, domestic programs. In a classic struggle during the 1st Session, the Rules Committee came to loggerheads with the Appropriations Committee and its normally conservative chairman, Clarence Cannon (D-Mo.), on a supplemental appropriations bill for fiscal year 1956. The Appropriations Committee had requested that the bill be given a rule waiving points of order. It was subject to points of order on a number of grounds, including appropriating funds for programs not yet authorized and legislating in an appropriations bill. Normally, such waivers were granted because House members generally favored them as a way of expediting business. At times, the Appropriations Committee, knowing that no House member would raise a point of order, did not even request such waivers.

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[88] Ibid., p. 180.

[89] This type of amendment, named for its originator Adam Clayton Powell (D-N.Y.), one of the few black House members in the 1950's, was often attached to legislation that distributed federal monies as a means of encouraging desegregation. In this particular case, Powell himself offered the amendment.

[90] Sundquist, *Politics and Policy*, p. 169. See also J. W. Anderson, *Eisenhower, Brownell, and the Congress* (University of Alabama Press, 1964) pp. 66–74.

In this case the waiver request was controversial because the bill included a paragraph dealing with the Dixon-Yates contract. The Rules Committee took no action on the request, and the bill was brought to the floor without the waiver provisions. Louis Rabaut (D–Mich.), chairman of the Appropriations subcommittee that produced the bill, then proceeded to raise a point of order on every section of the bill that was in violation of House rules as a means of protesting the Rules Committee's actions. Few sections of the bill were immune. It was stripped to the bone. When five days later Chairman Smith called up a rule for the Fair Labor Standards Act Amendment, he used the opportunity to address the charges made against the Rules Committee in the fiscal 1956 appropriations bill controversy. He claimed that the Rules Committee had not refused anybody a rule, that it had simply adjourned without acting, and that the Rules Committee was not responsible for the emasculation of the bill on the floor. "The Rules Committee did not commit murder or mayhem or even assault and battery on the bill. It was the Appropriations Committee which murdered its own offspring," Smith contended.[91] He then proceeded to question the limits of the Appropriations Committee's authority. He accused it of usurping the power of legislative committees and conducting its business behind closed doors in "a star chamber proceeding."[92] The only thing the Rules Committee did, was doing and would continue to do, Smith contended, was to give "the chairman of the appropriate legislative committee the courtesy to at least let him be heard."[93]

Upon gaining the floor the next day, Clarence Cannon defended the Appropriations Committee's actions. He claimed that closed hearings were necessary and were in compliance with House rules; that his committee consulted the appropriate legislative committees and received their permission before entering into their jurisdictions; and that the Appropriations Committee had "far more business than we want: and "no desire to encroach upon the prerogatives or the jurisdiction of any other committee of the House."[94] Then, Cannon, a former House parliamentarian, charged that the Rules Committee "was not intended to retard legislation." After quoting parliamentarian Asher C. Hinds on the function of the Rules Committee, Cannon concluded:

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[91] *Congressional Record*, vol. 101, July 19, 1955 (84th Congress, 1st Session), p. 10944.

[92] Ibid., p. 10945.

[93] Ibid.

[94] Ibid., p. 11057.

> It never occurred to him that the time would ever come when the Committee on Rules would arrogate to itself the authority to pass on every bill reported out by a committee of the House. And deny it consideration as it has denied the House the right and opportunity to consider the housing bill on items objected to in the supplemental appropriation bill.[95]

Such standoffs between the "bulls" of the House did not, however, seem to limit their influence. As the 85th Congress (1957–1959) began, Judge Smith continued to make full use of the chair. There were no changes in the Committee's Democratic membership nor in the party ratio which remained 8 to 4. But the return of Hugh Scott (R-Pa.), a moderate who had served on the Committee in the 83rd Congress and was especially active in the efforts to enact civil rights legislation, meant that Smith's hold on six votes was more tenuous than previously. Even this did not deter him. Only nine bills were formally denied rules, but twenty-eight others were not scheduled by the chairman for hearings.[96]

Richard Bolling discussed with Speaker Rayburn the bills that were likely to be held in the Rules Committee in the 85th Congress and suggested that Rayburn meet with Smith to ascertain on which bills he was willing to report rules. The outcome of the Rayburn-Smith meeting was that of three specific bills in question—omnibus housing, TVA financing, and mineral subsidies—Smith would agree to report only the last and only under the condition that Bolling cooperate in preventing rules from being granted on the others. Bolling agreed to "the best of a bad bargain" and was saved from embarrassment by Smith when Rules' liberals pushed for a rule on the housing bill. The chairman simply adjourned the meeting.[97]

Perhaps at no time during the 85th Congress was Smith's skill more evident than on a new area redevelopment bill. As in the previous Congress, the bill passed the Senate. It was reported in a more modest form by the House Banking and Currency Committee on July 1, 1958. Smith, at first, delayed in scheduling a hearing for the bill. And when Rules met on it, the bill's sponsors were required to make a serious concession, the elimination of the Treasury borrowing financing provision from the legislation thus subjecting the program to annual appropriations. On August 7, the Rules Committee acted. By a 6–5 vote with Hugh Scott, by then a candidate for the Senate, providing the margin, a rule was granted. But with adjournment near, Smith was able to extract an additional concession. Knowing that the chairman could delay three legislative days in filing the rule and seven more before calling it up on the floor, area redevelopment proponents visited with Smith at his home in Virginia and agreed to delete that part of the bill giving certain allowances to the unemployed during their retraining. In return, Smith promised to report the rule by August 12.[98]

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[95] Ibid., p. 11059.

[96] Robinson, *The House Rules Committee*, pp. 24, 28.

[97] Bolling, *House Out of Order*, pp. 204–205.

The only major legislation on which Smith suffered a serious defeat in the 85th Congress was the civil rights bill. Ironically, this was the legislation that Smith opposed most strongly and to which he devoted extensive amounts of skill and time in efforts to defeat.

In the 85th Congress, Smith's opponents were better prepared than they had been in 1956. On April 1, 1957, the House Judiciary Committee reported a bill similar to the one that had passed the House in the previous Congress. To ensure that Smith and Colmer would not consummate a deal with Rules Republicans to delay consideration of a civil rights bill until the 2nd Session, Bolling a week later moved that the Rules Committee hold hearings on it. His motion was defeated, but the next day Smith scheduled hearings to begin after the Easter recess. Even with this delay and the time Smith allowed to be consumed in lengthy testimony from numerous southern Democratic House colleagues, the Committee by an 8–4 vote (4 Republicans and 4 northern Democrats voting for it) granted a rule.[99] In addition, a promise was extracted from Smith that he would assign floor management of the rule to Ray Madden (D-Ind.), the highest ranking northern Democrat on the Committee, and that he would not reserve it for himself or Colmer.[100]

After the bill passed the House, it was significantly weakened in the Senate. The House and Senate leadership then negotiated a compromise. However, the compromise bill had to pass through the Rules Committee on its way to the floor in August. Judge Smith would not call a meeting of the Rules Committee to consider it. When, on one occasion during the struggle, word reached Speaker Rayburn that Smith had gone to his dairy farm where a barn had caught fire, Rayburn reportedly responded: "I knew Howard Smith would do anything to block a civil rights bill. But I never suspected he would resort to arson."[101]

The leadership then sought to call a special meeting of the Rules Committee, an action requiring the vote of seven of its members. Six Democrats agreed, but neither Colmer nor any of the Republicans would supply the seventh vote. Only when the House leaders of both parties agreed to a compromise did Hugh Scott provide the needed vote to call the meeting.[102] The meeting was held, and the rule was granted, enabling the first civil rights bill since 1875 to become law. The powers of the Rules Chairman were great, especially when exercised by someone as skilled as Smith, but not unlimited.

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[98] Although the bill passed the House and the Senate accepted the House version, it was vetoed by President Eisenhower. On the area redevelopment struggle, see John F. Bibby, and Roger H. Davidson, *On Capitol Hill: Studies in the Legislative Process*, 2d ed. (Hinsdale, Illinois: The Dreyden Press, 1972) pp. 214–215. See also Sundquist, *Politics and Policy*, p. 69.

[99] Bolling, *House Out of Order*, p. 184.

[100] Spark M. Matsunaga, and Ping Chen, *Rulemakers of the House* (Urbana, Ill,: University of Illinois Press, 1976), p. 101.

[101] *The New York Times*, August 21, 1957, p. 16:2.

A majority of House Democrats and their leaders often were frustrated by the Rules Committee in the 84th and 85th Congresses. But the Committee was not the only obstacle they faced in the enactment of their legislative programs. Sometimes they simply could not master majorities in legislative committees or on the House floor. The conservative coalition often held enough votes to win in those places or to extract concessions for the needed support. Moreover, some of the Democrats' legislative victories in the House were turned aside by Senate action or by Presidential veto.

Following the 1958 election which raised Democratic membership in the House to 283 (the highest since 1939) and in the Senate to 64 (the highest since 1943), liberal Democrats focused increased attention on reforming the Rules Committee. These clear majorities seemed large enough to overcome most of the obstacles of previous Congresses, but the Rules Committee's membership did not reflect the election. Its Democratic members remained unchanged, and the election of Scott to the Senate meant that the Republicans again would be uniformly conservative.

In 1957, liberal Democrats had organized informally to push their policy objectives, many of which were blocked by the Committee. (Two years later during the 86th Congress they would formally organize as the Democratic Study Group.) Several liberals publicly sought Rayburn's support to alter the operation of the Rules Committee. They offered three approaches: reinstitute a 21-Day Rule, enlarge the Committee's membership, or change the party ratio on the Committee. But Rayburn did not like the 21-Day Rule, and he felt bound to an agreement with Martin to keep the size and party ratio unchanged.[103] Instead Rayburn assured liberals that measures they favored would not be buried in the Rules Committee, and they in turn, dropped efforts to reform the Committee.[104]

However, Rayburn's ability to deliver on this commitment depended upon his long relationship with Martin and Martin's sway over Republican votes on the Rules Committee. When in January Halleck upset Martin for the floor leadership position, Rayburn lost an important resource. Halleck for years had worked in close alliance with Smith and would be far more reluctant than Martin to assist Rayburn. Moreover, by January it was too late to seek the remedies proposed earlier by the liberals.

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[102] Robinson, *The House Rules Committee*, p. 52.

[103] Bolling, *House Out of Order*, pp. 205–207.

[104] Robinson, *The House Rules Committee*, p. 72.

The 86th Congress and the actions of the Rules Committee were to be a source of continual frustration for liberal Democrats. The Committee refused to grant a rule for an omnibus housing bill that had passed the Senate and been reported favorably by the House Banking and Currency Committee. Similarly, a Senate-passed juvenile delinquency program, reported over the objections of the House Education and Labor Committee's conservative chairman, Graham Barden (D–N.C.), died when Barden would not request a Rules hearing for it, and Smith would not schedule one.[105]

In other instances, threats and exceptional procedures were used to bring legislation to the House floor. In the case of federal aid to education legislation, Smith scheduled a hearing only after the bill's supporters threatened to resort to the "Calendar Wednesday" procedure to bypass the Rules Committee. When B. Carroll Reece (R-Tenn.), a new Rules member, broke with other conservatives, a rule was granted by a 7–5 vote. The legislation then was sent to the House floor where it also passed. This victory was short-lived, however. When objection was raised to the unanimous consent request to send the bill to conference with the Senate, action by the Rules Committee was again required. This time Reece and James Trimble (D-Ark.) joined the five conservatives to prevent the conference, thus killing the bill.[106]

The "Calendar Wednesday" procedure actually was used to bring a new area redevelopment bill to the floor. (President Eisenhower had vetoed a similar bill in the 85th Congress.) It was not until March 1960 that Smith agreed to let the Rules Committee hear the bill. And when a vote was taken on April 21, the rules request was defeated by a 6–6 vote. After rejecting suspension of the rules and the discharge petition as feasible means of bringing the redevelopment bill to the floor, the leadership settled on the Calendar Wednesday approach. On May 4 Rayburn and McCormack were able to overcome efforts on the floor to obstruct consideration of the bill under this rarely used procedure. Only following nearly nine and one-half hours of floor activities was passage assured when the recommittal motion was defeated.[107]

The Calendar Wednesday procedure proved to be a very costly way to circumvent the Rules Committee. It is not surprising that since it was first placed in House rules in 1909, the procedure has infrequently been used to bring legislation to the floor and on only one other occasion aside from the area redevelopment bill has it been successful.[108]

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[105] Sundquist, *Politics and Policy*, p. 117.

[106] On the legislative struggle over federal aid to education, see Frank J. Munger, and Richard F. Fenno, Jr., *Politics and Federal Aid to Education* (Syracuse, N.Y.: Syracuse University Press, 1962). See also Sundquist, *Politics and Policy*, chapter V.

[107] Bibby and Davidson, *On Capitol Hill*, pp. 217-219.

As in the previous two Congresses, civil rights legislation made the Rules Committee a focus of controversy in the 86th. When a pared-down civil rights bill was reported by the House Judiciary Committee in 1959, Emanuel Celler (D-N.Y.), the Judiciary chairman, realizing Smith would not allow the Rules Committee to meet on the bill, initiated a discharge petition. During the remainder of the 1st Session, relatively few signatures were obtained, thus placing little pressure on the Rules Committee. In January, however, the Democratic Study Group (DSG) members began to push for signatures. Democrats charged that Republicans were holding back their support for the petition in order not to upset their coalition with southern Democrats on other issues. In addition, it was believed that Democrats would be blamed if the bill did not pass.

To publicize the situation, DSG members memorized the names on the discharge petition (signatures on discharge petitions shall remain secret according to House rules) and a complete listing appeared in *The New York Times.* Only 30 of the 175 signatures belonged to Republican House Members. Under considerable public pressure, more Members signed, and rather than see his committee discharged from consideration of the bill, Chairman Smith scheduled hearings. A rule was then granted with three Republicans joining four northern Democrats to compose a majority.[109]

Thus, because of the Democratic gains in the 1958 election, alternate procedures could be used successfully to bring certain legislation to the floor directly or to pry it from the Rules Committee. As Charles O. Jones observed of the Democrats who won House seats from Republicans in 1958, "this new group of Congressmen were more liberal than the Republicans who left in 1958, and markedly less dependable for Chairman Smith." [110] Smith's response to this change in House Members was not one of accommodation. He continued to use the resources available to him as chairman of the Committee to foster his policy preferences. In the short run of the 86th Congress, he would, as in the 85th, continue to win many of the battles. But when the 1960 elections placed a liberal Democrat in the White House, increased the Democratic majority in the Senate, and (despite a net loss of 20 Democratic seats in the House) returned many DSG members, the Rules Committee and its chairman remained the one visible roadblock for the majority party. The House Democratic leadership would be forced to confront it in the 87th Congress.

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[108] Success is determined by the House passing the bill brought up under Calendar Wednesday procedure. Walter J. Oleszek, *Congressional Procedures and the Policy Process* (Washington, D.C. CQ Press, 1978), p. 99.

[109] On the 1960 Civil Rights Act struggle, see Bolling, *House Out of Order*, pp. 208-209; Sundquist, *Politics and Policy*, pp. 238-250; and Daniel M. Berman, *A Bill Becomes a Law: The Civil Rights Act of 1960* (New York: MacMillian, 1962).

[110] Charles O. Jones, "Joseph G. Cannon and Howard W. Smith: An Essay on the Limits of Leadership in the House of Representatives," *Journal of Politics* (August 1968), 637.

In summary, the period from 1937 to 1960 in the history of the Committee on Rules differs markedly from any other period. Except for the Republican-controlled 80th and 83rd Congresses, the Committee operated independently and often at cross purposes with the majority party and its leadership. Whatever cooperation with the Rules Committee the Democratic leadership achieved resulted largely from bargaining, not from the sense that the Committee had primary responsibility to serve as a vehicle of the majority party. And at times, such as on civil rights legislation, the bargain had to be struck with the Committee's Republicans. In part, however, the Rules Committee merely reflected the split that existed in the Democratic Party between northern liberal and southern conservative factions. The Rules Committee simply was the stronghold of the southern conservatives in this struggle. But as northern Democratic strength grew in the House, it became a significant threat to conservative domination of the Rules Committee and to the leadership of Howard Smith.

## Chairmen and Ranking Minority Members from 1960 to 1982

WILLIAM M. COLMER
Chairman, 1967–1972

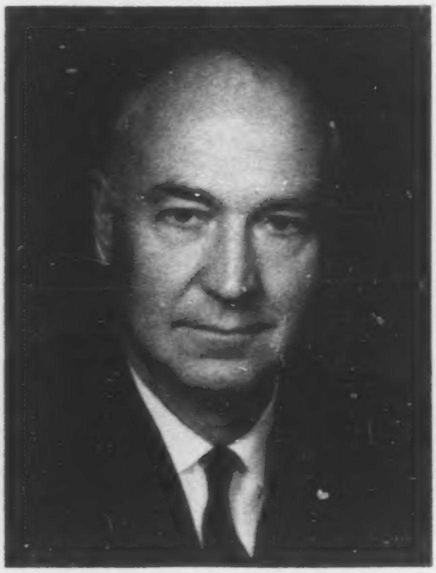
RAY J. MADDEN
Chairman, 1973–1976

JAMES J. DELANEY
Chairman, 1977–1978

RICHARD W. BOLLING
Chairman, 1979–1982

Clarence J. Brown
Ranking Minority Member, 1961–1966

H. Allen Smith
Ranking Minority Member, 1967–1972



David T. Martin
Ranking Minority Member, 1973–1974

James H. Quillen
Ranking Minority Member, 1975–198–

# CHAPTER V

# Developing as a Renewed Arm of the Leadership: 1961–1980

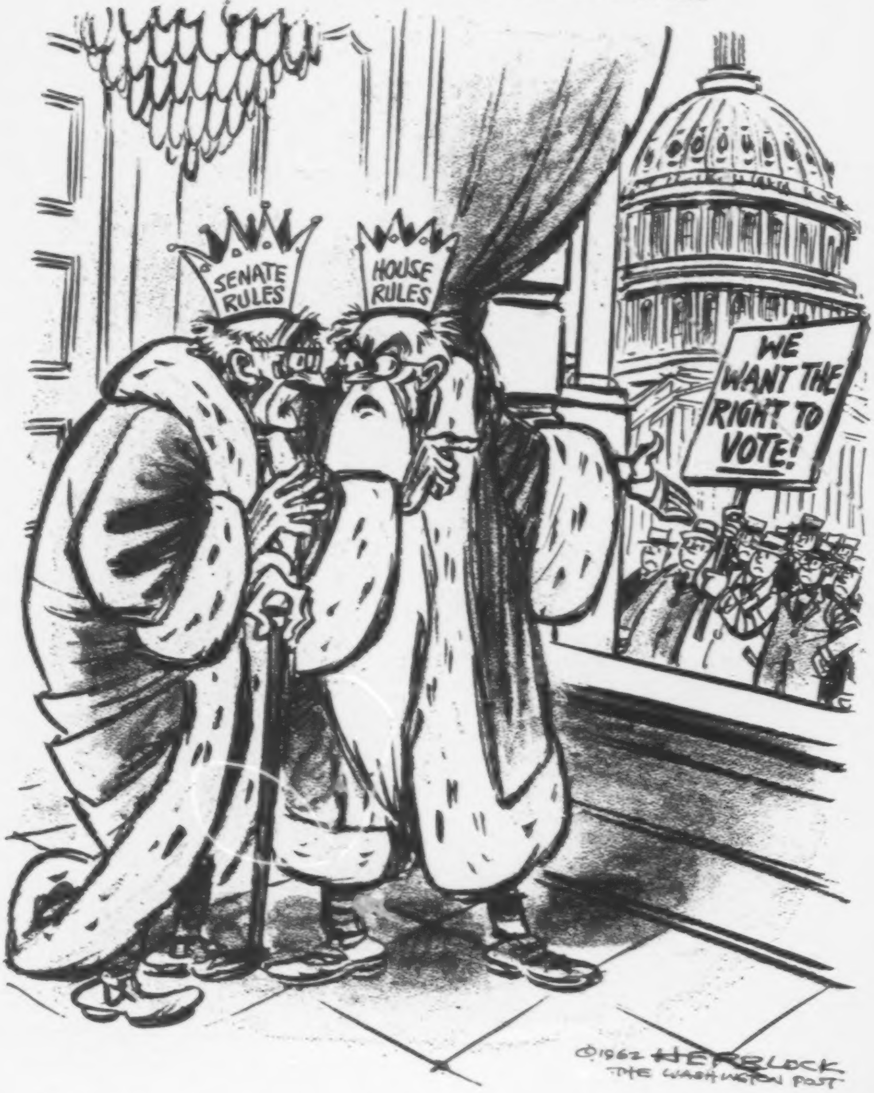
## Introduction

Between 1961 and 1980 the Rules Committee underwent greater change than at any time since 1910. Although these alterations occurred more gradually than those of a half century earlier, the end result was equally significant. Once Cannon's grip on the Rules Committee was loosened, the Committee eventually developed into a largely independent force in the House. The changes of the 1961–1980 period did not return the Rules Committee to the control of the Speaker, but rather established it as a functioning arm of the majority party leadership, able to act independently on the leadership's behalf as well as to respond to its requests.

These changes in the Rules Committee were the result of a variety of forces, including enlargement of the Committee, general House reforms, membership turnover, and new committee leadership. Individually, none of these developments would have been sufficient to alter the Rules Committee. Collectively, however, they served to produce a committee that functioned far differently in the House in 1980 than it had two decades earlier.

In 1961, the Rules Committee's influence over the operation of the House arose largely from its ability to exert *negative* power. Because of its position in the congressional process, it functioned primarily as a gatekeeper or traffic cop. Its power came from the ability to deny special rules to bills, thus impeding their legislative progress. Most Committee activity focused on the granting or denying of rules or on gaining substantive concessions before granting rules. Crucial Rules

"You See — First Women, Then Negroes, Now Congressmen And Senators"


SENATE RULES
HOUSE RULES
WE WANT THE RIGHT TO VOTE!
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THE WASHINGTON POST

----from Straight Herblock (Simon & Schuster, 1964)

Committee decisions often were reached by cross-party coalitions of southern Democrats and Republicans on social welfare issues or by northern Democrats and Republicans on issues such as civil rights legislation, rather than by a united majority party serving its leadership.

In 1980 the Rules Committee's influence in the House rested less on its ability to impede the flow of legislation to the House floor and more on its ability to expedite the legislative process and help the leadership manage House business. Few requests for rules were denied. Instead the Committee focused on the crafting of rules and their management on the floor, and on important matters of original jurisdiction. Decisions, with few exceptions, received sufficient support from the majority party members of the Committee; minority members—primarily a "loyal opposition" in 1980—rarely determined the outcome.

This transformation of the Committee on Rules took twenty years and even now is not totally complete. It is useful to examine the changes in the Committee in three periods. The first, from 1961 to 1966, is best described as a period of confrontation during which the House Democratic party majority challenged the independence of the Rules Committee. During this period, considerable conflict existed between the Democratic party leadership and its Rules Committee leadership. No final decisions were made regarding the Committee's role in the House, but constraints were placed on its independence. The second period, from 1967 to 1972, was a period of independent cooperation. For several reasons, the Rules Committee proved more cooperative in reflecting the desires of the majority party leadership. Although many members continued to exercise their independence at times, they were generally willing to cooperate with leadership requests—both in granting rules and in denying them. The third period, from 1973 to 1980, was one in which the Committee gradually developed and finally matured as a vehicle of the party leadership. Key to this period was the turnover of members on the Rules Committee, the recruitment of new members, and the control of the chair by individuals more clearly allied with the policy goals of the leaders of the majority party.

This chapter examines the three periods in turn. It describes the specific events of importance in each period, analyzes the Rules Committee operations and their effect on the legislative process in the House of Representatives, and evaluates the causes of stability and change influencing the Committee. The chapter also explores the relationship between the Committee and party leadership, recruitment and turnover of membership, the role of the Chairman, the Committee's rule-granting record, matters of original jurisdiction, and the role of the minority on the Committee.

## Period of Confrontation: 1961-1966

The 86th Congress (1959-1961) proved frustrating for liberal Democrats in the House. Even though their numbers had grown significantly in the 1958 election and they were better organized due to the creation of the Democratic Study Group (DSG), their legislative goals often were stifled.[1] Speaker Sam Rayburn (D-Tex.) had promised them that legislation they favored would not be blocked from reaching the floor by the Rules Committee, but he was unable to keep his promise. The defeat of a pragmatic Republican, Joseph W. Martin (Mass.), as Minority Leader and the subsequent filling of two Republican vacancies on Rules by conservatives B. Carroll Reece (Tenn.) and Hamer Budge (Idaho) in place of moderates Henry J. Latham (N.Y.) and Hugh Scott (Pa.) had made it more difficult to get help from the minority in reporting legislation. During the 86th Congress, the Rules Committee denied eleven rule requests and failed to hold hearings on thirty-one other bills.[2]

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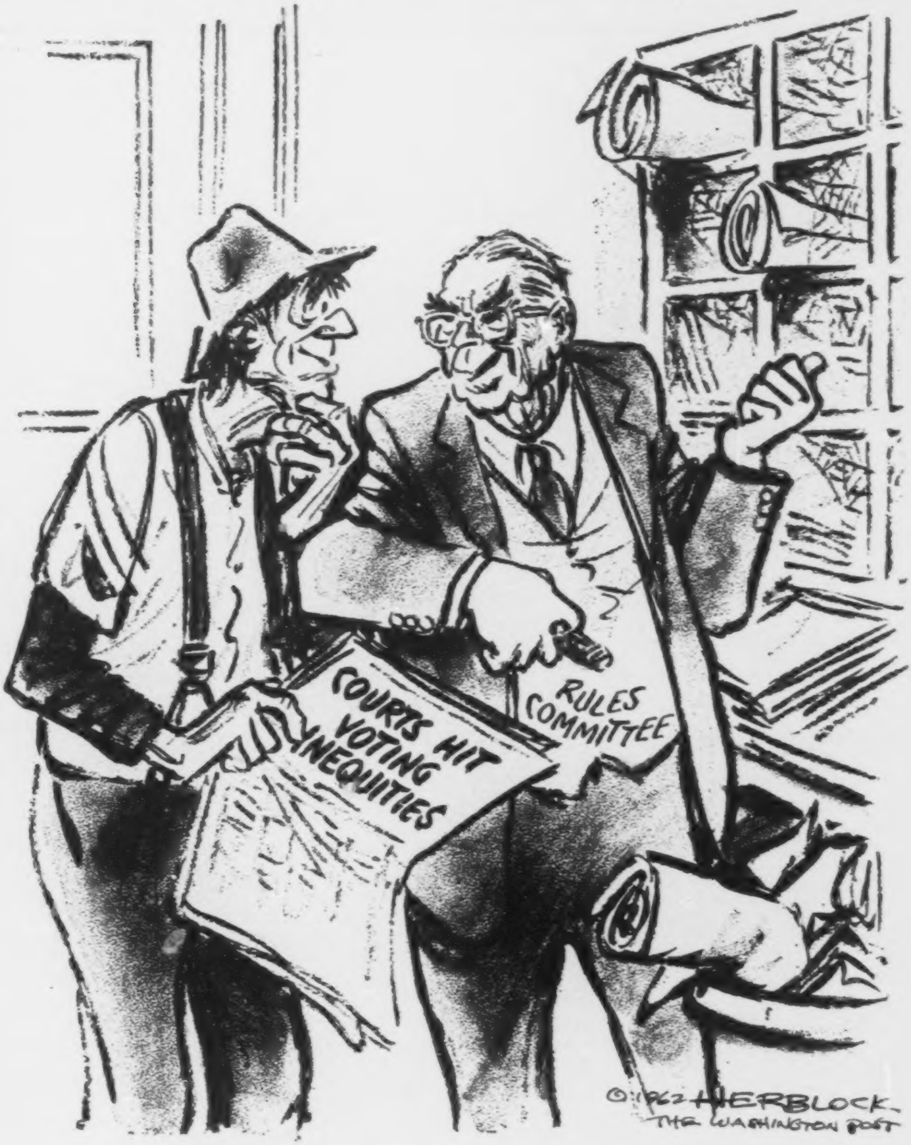
[1] For a range of cases, see James L. Sundquist, *Politics and Policy* (Washington, D.C.: The Brookings Institution, 1968).

[2] James A. Robinson, *The House Rules Committee* (Indianapolis: Bobbs-Merrill, 1963), pp. 24-28.

"Let 'Em Vote For Congressmen — Long As We Can Keep The Congressmen From Voting For Them"


COURTS HIT VOTING INEQUITIES
RULES COMMITTEE
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THE WASHINGTON POST

----from Straight Herblock (Simon & Schuster, 1964)

The Republican minority's obstructionism, however, was not allowed to continue. Foreshadowing the confrontation that was to come, the 1960 Democratic Platform urged that

> . . . action be taken at the beginning of the 87th Congress to improve Congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.
>
> The rules of the House of Representatives should be so amended as to make sure that bills reported by legislative committees reach the floor for consideration without undue delay.[3]

Following the election of John F. Kennedy to the presidency in November 1960, pressure continued to build to remove the Rules Committee as an obstacle to legislation. Crucial to the Kennedy administration's success would be it's ability to enact legislation on such matters as aid to education, civil rights, medical care for the aged, and area redevelopment. In the past legislation in each of these areas had met resistance in the Rules Committee. Thus, despite a net loss of 21 Democratic House seats in the 87th Congress and the announcement by Chairman Howard W. Smith (D-Va.) that he would oppose any efforts to change the Committee, Speaker Rayburn was persuaded that some alteration in the Rules Committee was necessary.[4]

Several strategies were considered, including changing the party ratio on Rules from 8 to 4, to 9 to 3; reviving the 21-Day Rule, which had been a device for circumventing the Committee in the 81st Congress; and preventing the Committee from participating in decisions about sending bills to conference committees.[5] As it turned out, none of these were selected, and the choice of strategies narrowed to two major alternatives. One was simply to remove southern conservative William Colmer (D-Miss.) from the Committee and replace him with someone viewed as more cooperative with the leadership. This would break the Committee deadlock that resulted when Smith and Colmer voted with the four Republicans. The other was to enlarge the Committee's membership from twelve to fifteen members by adding two Democrats and one Republican. With the addition of two party-oriented Democrats on the Rules Committee, the leadership could expect an 8–7 majority on crucial issues rather than a 6–6 tie.

The first of these approaches had one definite advantage for the advocates of change. It could be achieved within the House Democratic Party, whereas enlargement of the Rules Committee would require a change in the House Rules and thus a vote of the entire House. But the removal of Colmer also was problematic. His ouster was being considered—not on the basis of his performance on the Rules Committee—but because of his opposition to the Kennedy candidacy during the 1960 election campaign. However, four other southern Democratic House members had done likewise. It would be difficult to punish Colmer and neglect them. Moreover, no action had been taken against Congressman Adam Clayton Powell (D-N.Y.) following his endorsement of Eisenhower's reelection in 1956. Given these difficulties, Rayburn opted for enlarging the Committee.[6]

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[3] Kirk H. Porter and Donald Bruce Johnson, *National Party Platforms, 1840–1968* (Urbana, Ill.: University of Illinois Press, 1970), p. 596.

[4] Milton C. Cummings, Jr. and Robert L. Peabody, "The Decision to Enlarge the Committee on Rules: An Analysis of the 1961 Vote," in *New Perspectives on the House of Representatives,*, 2nd ed., edited by Robert L. Peabody and Nelson W. Polsby (Chicago: Rand McNally, 1969), pp. 253–280.

[5] Robinson, *The House Rules Committee*, p. 77.

### *Enlargement of the Committee*

On January 18, 1961, the House Democratic Caucus backed enlargement of the Committee by a voice vote, and a floor vote was scheduled for January 26th. Opponents of the enlargement plan also were active. Clarence Brown (Ohio), the ranking minority member on the Rules Committee, persuaded the House Republican Policy Committee to oppose the plan. On Tuesday, January 24th, the Rules Committee, with only its Democratic members in attendance, voted 6–2 (Smith and Colmer opposed) to report House Resolution 127, the enlargement resolution. But a day later Speaker Rayburn, presumably lacking sufficient support for the resolution, announced that the vote would be postponed until Tuesday, January 31st.

During the intervening period, an extensive lobbying effort ensued, involving White House cabinet officials as well as House and DSG leaders. At one point compromise was sought. An attempt was made to obtain a written guarantee from Smith not to use the Rules Committee to block Kennedy's legislative proposals during the session.[7] In a letter to Carl Vinson (D-Ga.) and Francis Walter (D-Pa.), Rules Chairman Smith agreed only to refrain from placing obstacles in the Rules Committee in the path of five key bills announced in the Kennedy administration's program.[8] This counter-offer was rejected.

The floor debate on H. Res. 127 was limited to one hour, divided equally between the managers, James W. Trimble (D-Ark.), a moderate southerner loyal to Rayburn, and Clarence Brown. It set forth the divergent views about the relationship between the Rules Committee and the majority party (and its leadership). Trimble admitted, "This is one assignment that I did not seek," [9] but went on to stress the importance of majority party sway in the operation of the Committee on Rules:

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[6] Some saw the threat to remove Colmer as a tactical one. See Cummings and Peabody, "The Decision to Enlarge The Committee on Rules," p. 175. For an extensive discussion of the strategy, see Richard Bolling, *House Out of Order* (New York: E. P. Dutton, 1966), Chapter 10.

[7] Cummings and Peabody, "The Decision to Enlarge the Committee on Rules," p. 177.

[8] The letter appears in the *Congressional Record*, vol. 107, January 31, 1961, (87th Congress, 1st Session), p. 1574.

[9] Ibid., p. 1573.

> I am a Democrat. I have always fought my political battles in the battle-scarred uniform of the Democratic Party, and I shall continue to do that. However, I have a firm belief in the position that with the majority rests the responsibility. If the Republican Party were in the majority here today and had the Speaker and they were seeking some means of assuring the leadership leeway to conform to their full responsibilities, as the majority I would vote with them on a similar resolution.[10]

Paul Kilday (D-Tex.), another moderate southerner, concurred. After attacking Smith's proposed compromise as unacceptable because it promised non-interference on only five bills, Kilday used an explanation of the two-to-one party ratio on Rules to spell out the responsibilities of its members to the leadership:

> Why? For the simple and all important reason that the Committee on Rules is an arm of the leadership of the majority party. The majority party has the responsibility of the legislative program of the House. . . . Because of this traditional organization one who assumes membership on the Committee on Rules must be prepared to exercise a function of leadership. His personal objection to a proposal is not always sufficient reason for him to vote to deny the membership of the whole House the opportunity to express its approval or, equally important, the opportunity to express its disapproval.[11]

Clarence Brown then responded by claiming that the Rules Committee had indeed been cooperative in the 86th Congress, denying rule requests to only five of 146 House bills and only one of 19 Senate bills. The Republicans often had supplied the necessary support in reporting legislation, he said, pointing specifically to his work with Richard Bolling in 1957 on the civil rights bill and Reece's vote allowing an aid to education bill to reach the House floor. Finally, Brown argued that enlargement was an effort by the Democratic leadership to stack the Committee. He contended that the Committee since 1910 was supposed to be more than just a rubber stamp.[12]

The drama moved toward a climax when Chairman Smith rose to speak. Using arguments very similar to those Cox had employed in the 81st Congress in opposing the 21-Day Rule, Smith addressed, among other things, the cooperation of the Rules membership with the leadership and the limits of that cooperation:

> . . . it is a pledge I made when I first became chairman of the Rules Committee. That is, I will cooperate with the Democratic leadership of the House of Representatives just as long and just as far as my conscience will permit me to go.[13]

To end the debate, Speaker Rayburn made one of his rare floor speeches. Although his health was failing, his political acumen was sharp. Instead of focusing on the broader issues regarding the role of the Rules Committee, Rayburn rested his support of enlargement on the need to enact Kennedy's legislative program.[14]

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[10] Ibid.

[11] Ibid., p. 1574.

[12] Ibid., p. 1575.

[13] Ibid., p. 1576.

When the House voted, the resolution passed, 217–212. Twenty-two Republicans and 195 Democrats voted for enlargements while 148 Republicans and 64 Democrats voted against it. An analysis of the vote shows that only two Democrats outside the South opposed enlargement and that the 36 southern Democrats who supported it tended to be from urban areas, had a lower Black percentage in their districts, and had more liberal voting records than their 62 southern colleagues who opposed it. Not surprisingly, southerners with strong personal loyalties to Rayburn, in the Texas delegation for example, were more likely to support the resolution. The 22 Republican votes in support of enlargement came predominantly from the Northeast and from urban, industrial districts, and were disproportionately from representatives with liberal to moderate voting records.[15]

The vote to enlarge the Rules Committee did not resolve the controversy over the relationship between the Rules Committee and the majority party leadership. Rather, it was a confrontation that, according to some analysts, "created the minimum disturbance possible in the status quo." [16] Although the powers of the Committee were not affected, and no member was removed, the status quo was disturbed, nonetheless. The enlargement of the Committee, as one participant observed, was merely "the end of the beginning." [17]

Enlargement of the Rules Committee from twelve to fifteen members had several consequences. First, the two new Democratic members, B.F. Sisk (Cal.) and Carl Elliott (Ala.), improved the "leadership orientation" of the Committee. The data in Table 1 illustrate the change in the average party support and opposition scores of the Rules Committee Democrats compared to all House Democrats. In the 86th Congress, Rules Democrats had a mean party support score 1.7 points lower and a mean party opposition score 5.0 points higher than the corresponding mean score for all House Democrats. Following enlargement in the 87th Congress, Rules Democrats average 3.8 points higher in support and 1.0 point lower in opposition than all House Democrats. Although averaging makes the differences appear small, they reflect a substantial change in the Rules Committee.[18]

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[14] Ibid., p. 157[illegible]

[15] Cummings an[illegible]dy, "The Decision to Enlarge the Committee on Rules," pp. 179–191.

[16] Ibid., p. 193.

[17] Bolling, *House [illegible]der*, p.220.

[18] These figures are based on party support and opposition scores reported for each Congress by Congressional Quarterly in its annual almanac.

TABLE 1.—*Party Unity Scores—Rules Committee Democrats Compared with all House Democrats (85th Congress–96th Congress, 1st Session)* [1]

| | *Congress* | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *85th* | *86th* | *87th* | *88th* | *89th* | *90th* | *91st* | *92d* | *93d* | *94th* | *95th* | *96th (1st session)* |
| Support: | | | | | | | | | | | | |
| Mean Rules Democrats | 69.0 | 70.3 | 79.8 | 73.0 | 68.0 | 72.1 | 60.2 | 61.4 | 70.8 | 73.0 | 71.5 | 71.5 |
| Mean All Democrats | 68.0 | 72.0 | 76.0 | 71.0 | 67.0 | 63.0 | 59.0 | 60.0 | 66.0 | 68.0 | 66.0 | 69.0 |
| | +1.0 | −1.7 | +3.8 | +2.0 | +1.0 | +9.1 | +1.2 | +1.4 | +4.8 | +5.0 | +5.5 | +2.5 |
| Opposition: | | | | | | | | | | | | |
| Mean Rules Democrats | 20.9 | 23.0 | 10.0 | 12.8 | 15.7 | 12.6 | 19.6 | 22.8 | 19.3 | 14.6 | 14.2 | 11.0 |
| Mean All Democrats | 20.0 | 18.0 | 11.0 | 14.0 | 18.0 | 21.0 | 24.0 | 25.0 | 23.0 | 22.0 | 25.0 | 23.0 |
| | +.9 | +5.0 | −1.0 | −1.2 | −2.3 | −8.4 | −4.4 | −2.2 | −3.7 | −7.4 | −10.8 | −12.0 |

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[1] See footnote 18 for sources.

Second, the rule-granting record of the Committee changed slightly. In the 87th Congress, 9 pieces of legislation were denied special rules by the Committee, and 22 others received no hearing. This compares to 11 and 31 respectively in the 86th Congress.[19] (For the rule-granting record of the Rules Committee from the 85th Congress to the 96th Congress, 1st Session, see Table 2). Thus, in quantitative terms, enlargement may have had some immediate impact.

The Rules Committee was a bottleneck for a number of bills on Kennedy's legislative agenda. A qualitative analysis of the Rules Committee's record in the 87th Congress indicates that enlargement may have had less of an impact on the Committee's ability to obstruct legislation than either its proponents or opponents had anticipated. Among the items the Rules Committee held up were a number of education bills (college classroom construction, federal aid for school construction, and teachers' salaries, and cutoff or impacted aid to racially segregated schools) and labor bills (coal mine safety, youth job training).[20] In addition, it was still necessary to bargain with Judge Smith or use Calendar Wednesday procedures to get some legislation to the floor.

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[19] The data in Table 2 come from a variety of sources. For the 86th Congress: Robinson, *The House Rules Committee*. For the 87th to 90th Congresses: Douglas M. Fox and Charles P. Clapp, "The House Rules Committee and the Programs of the Kennedy and Johnson Administrations," *Midwest Journal of Political Science* (November 1970): 667–672. For the 91st and 92nd Congresses: statistical reports compiled by the Rules Committee staff. And for the 93rd to 95th Congresses: the final published calendar of the Rules Committee. The figures in the 94th and 95th Congresses differ slightly from those reported in "Survey of Activities of the House Committee on Rules, 94th Congress" and "Survey of Activities of the House Committee on Rules, 95th Congress." This is due in part to different ways of treating legislation on which more than one rule was granted.

[20] For a list see Walter Kravitz, "The Influence of the House Rules Committee on Legislation in the 87th Congress." A report by the Legislative Reference Service, Library of Congress, January 7, 1963.

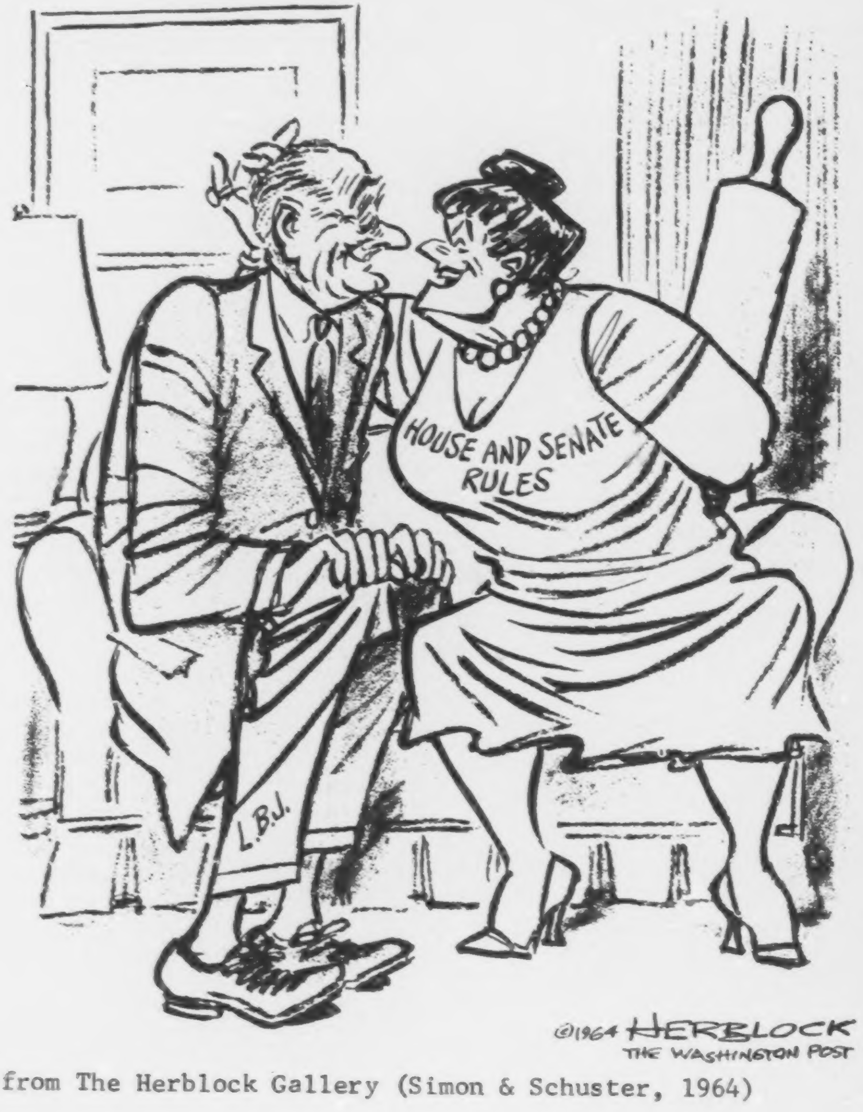
TABLE 2.—*Rules Committee—Rule Granting* [1]

| | *Congress* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *86th* | *87th* | *88th* | *89th* | *90th* | *91st* | *92d* | *93d* | *94th* | *95th* |
| Days in session | 87 | 121 | 134 | 137 | 114 | 119 | 114 | 119 | 135 | 156 |
| Rules granted | 128 | 172 | 164 | 204 | 192 | 218 | 204 | 255 | 301 | 245 |
| Request withdrawn (passed under suspension or unanimous consent) | NA | 10 | 8 | 23 | 21 | 19 | 10 | 8 | 10 | 35 |
| Requests denied or deferred | 11 | 9 | 7 | 6 | 6 | 5 | 3 | 5 | 5 | 2 |
| No hearing held | 31 | 22 | 19 | [2]26 | 19 | 8 | 12 | 8 | 20 | 17 |

[1] See footnote 19 for sources.

[2] In addition, 8 proposals reached the floor through use of the 21 Day Rule.

"You're So Strong And Masterful —
We'll Make A Lovely Couple"


HOUSE AND SENATE RULES
L.B.J.
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THE WASHINGTON POST

----from The Herblock Gallery (Simon & Schuster, 1964)

Enlargement of the Rules Committee produced only marginal changes for several reasons. Prime among these was the narrowness of an 8–7 margin, with the eight leadership-oriented Democrats opposed by Smith, Colmer, and the five Republicans. On issues affecting the district of any one of the eight, problems were created. Thus, when the private school issue arose regarding federal aid to education, James Delaney (D-N.Y.), representing a "heavily Catholic" district, voted with Smith, Colmer, and the five Republicans in tabling three aid to education bills. On civil rights issues, the moderate southerners, Trimble and Elliott, were vulnerable. Moreover, Smith and Colmer were particularly astute at taking advantage of constituent pressures. During this period between 1961 and 1966, the responsibility for holding together the leadership Democrats rested with Richard Bolling, except for a brief period after Speaker Rayburn's death on November 16, 1961, when John McCormack chose to work through his Massachusetts colleague, Thomas P. "Tip" O'Neill, Jr., the future Speaker. In a 1975 interview, Bolling recalled the problem:

> There was never anytime when we had the eight that I didn't leave with a nervous stomach. There was always the opportunity for a pick off and make an 8–7 win an 8–7 loss. Smith and Colmer together or separately were capable of figuring out who to approach and how; be it in terms of district or personal preference or a trade off or whatever they had eight targets sitting there. If they get one, it turns from a majority to a minority.[21]

Aside from the narrowness of the majority, a crucial factor limiting the effect of enlargement was that Judge Smith continued to chair the Committee. The enlargement vote did not affect the tenacity with which Smith held to his or Kennedy's policies. Moreover, his knowledge and skillful use of House rules and procedures was heightened by the powers of the chairmanship. Normally, he decided when meetings would be held, set the agenda for meetings, scheduled witnesses, and controlled the small Committee staff.

For example, in the 87th Congress, Smith refused to schedule the college aid bill, H.R. 8900, until the college scholarship provision was dropped from the bill,[22] and he refused to schedule a manpower training bill, H.R. 4999, unless the college aid bill died in conference. It did, on September 25, 1962, and the manpower bill promptly received a rule. However, it was so late in the Congress that the manpower bill did not become law. On occasion, the leadership Democrats could force Chairman Smith to call a meeting or schedule a bill, but this was not always an easy task. The Committee itself had no written rules with which the chair was obligated to comply, and often one of the leadership Democrats would need the chair's assistance on another matter and therefore be reluctant to offend him.

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[21] Bruce I. Oppenheimer, "The Rules Committee: New Arm of Leadership in a Decentralized House," in *Congress Reconsidered,* 1st ed., edited by Lawrence C. Dodd and Bruce I. Oppenheimer (New York; Praeger, 1977), p. 98.

[22] *Congressional Quarterly Almanac, 1962* (Washington, D.C.: Congressional Quarterly, 1963), p. 235.

In a cunning twist following enlargement, Smith tried to embarrass the leadership by purposely scheduling measures it opposed. Some of these were reported but then never considered on the floor, and others the leadership Democrats were forced to table. These were largely matters of original jurisdiction and resolutions granting standing committees the authority to conduct specific investigations. Using data from these proceedings, Smith then argued that enlargement had resulted in a Rules Committee that was more obstructionist than ever.[23]

Enlargement of the Rules Committee was not the panacea some of its liberal supporters had expected. According to a study of the Rules Committee conducted in 1961 and 1962, "an overwhelming majority of the fifteen members believed the enlargement had had a considerable impact" and that it had become more of an "instrument of the majority leadership" rather than one of "a bipartisan majority." [24] But the record of the Rules Committee in the 87th and 88th Congresses indicates that these perceptions may have been slightly premature. One member, who in mid-1961 thought enlargement had a major impact, had softened his views a year later:

> The situation up here is just like it was before. Some of the so-called leadership men don't go along now, just as they didn't go along before. They go off the reservation—I've done it myself. I can't see any visible change. Except that the leadership, if it wanted something now, could probably get it out quicker.[25]

## *The 88th Congress: Smith vs. the Administration*

The 1961 vote to enlarge the Committee applied only to the 87th Congress. At the start of the 88th Congress in 1963 enlargement was made permanent by a 235–196 vote. Although the Democrats had five fewer House seats in the 88th Congress than when the 87th Congress convened, this vote was not nearly as close as in the 1961 contest. Most of the added support came from southern Democrats who split 50–44 in favor of permanent enlargement. The 1963 vote lends support to the contention that enlargement of the Committee had only incremental impact and that many who opposed it originally found they had little to fear.

Nevertheless, disagreements between the Democratic House leadership and the Rules Committee continued. In many respects the record of the Rules Committee in the 88th Congress was very similar to that of the 87th Congress. The membership of the Committee was unchanged, except for one Texas Democrat, John Young, replacing another, Homer Thornberry, who resigned to become a federal judge midway through the 88th Congress. As Table 2 indicates, the rule-granting record of the Committee is similar in both Congresses in terms of measures not granted a hearing or rules denied or deferred.

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[23] *Congressional Quarterly Almanac, 1961* (Washington, D.C.: Congressional Quarterly, 1962), p. 407.

[24] Robert L. Peabody, "The Enlarged Rules Committee," in *New Perspectives on the House of Representatives*, ed. Robert L. Peabody and Nelson W. Polsby (Chicago: Rand McNally, 1963), p. 153–154.

[25] Interview by Robert L. Peabody, July 10, 1962.

It would be incorrect, however, to conclude that the leadership and the Rules Committee were constantly at odds during this period of confrontation. In some respects, the Rules Committee-leadership relationship appeared to improve in the 88th Congress. Several bills denied, hearings or rules were opposed by the leadership and by the administration, including the Chicago Skyway public works bill (H.R. 6289), a fair trade bill (H.R. 3669), and a bill reappointing members of the Joint Chiefs of Staff (H.R. 6600). But on a number of major issues, as in the 87th Congress, there were crucial fights with the Rules Committee. Civil rights bills to establish a Federal Employment Practices Commission (H.R. 405) and to deny federal assistance to schools practicing racial discrimination (H.R. 7771) were not scheduled for hearings. A coal mine safety bill on which one leadership member of the Rules Committee thought he had a commitment from Judge Smith did not receive a rule and subsequently did not achieve the necessary two-thirds vote to pass under suspension of the rules on the floor.

But through most of his thousand days as President, John Kennedy found Judge Smith and the Rules Committee capable of frustrating his legislative goals. Ironically, it was in the immediate aftermath of his assassination on November 22, 1963, a key New Frontier bill was pried from the Rules Committee and then only after a considerable struggle. Just prior to President Kennedy's trip to Dallas, the House Judiciary Committee reported a bipartisan civil rights bill that included a title on fair employment practices and requested a rule from the Rules Committee. And in his address to Congress five days after the assassination, President Lyndon Johnson made enactment of the bill top legislative priority. At first, Judge Smith was unmoved. He announced that he planned no hearings on the civil rights bill. Immediately, Judiciary Committee Chairman Emanuel Celler (D-N.Y.) filed a discharge petition, and President Johnson said he would give the petition his full support. Only then did Smith consent to hold hearings in January.[26] The hearings stretched on for nine days as Smith encouraged numerous southern Democrats to testify against the bill. It was finally reported with only four southern Democrats opposed.

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[26] Sundquist, *Politics and Policy*, p. 266.

However, a new problem arose in June when an amended bill passed the Senate and returned to the House. In an effort to avoid another Senate filibuster, the House leadership and the President desired to have the Senate-passed bill approved by the House. This required a rule and therefore a meeting of the Rules Committee. To ensure that Judge Smith would call a meeting, three Democratic members sent a registered letter to Smith at five different addresses where he might receive it, asking for a meeting within seven calendar days from the date on the request. Additional bargaining was required before Smith finally agreed to hold a hearing on June 29th.

Similarly, the leadership had a great deal of difficulty in freeing the Omnibus Anti-Poverty Bill (later the Economic Opportunities Act of 1964) from the Rules Committee. The measure became intertwined with the civil rights bills. Needing Republican support in reporting the Senate-passed civil rights bills, Rules Democrats could not push a Rules meeting on the anti-poverty bill—opposed by the Republicans—for fear of losing their support on civil rights. Both bills were finally reported but not without considerable bargaining and the use of administration and leadership resources.

The 88th Congress also illustrates the exercise of the Rules Committee's independence and power in a very different manner. Usually the Committee had posed a problem for the majority party leadership by its failure to grant a rule, an exercise of negative power. In 1964, however, the Rules Committee exercised its rarely used power to report any legislation it chooses thereby expediting a bill the leadership opposed. In 1964, the Tuck Bill (H.R. 1926), legislation designed to deny the Supreme Court or Federal courts jurisdiction over state legislative reapportionment, was pigeonholed in the Judiciary Committee. Sponsored by William M. Tuck (D-Va.), this bill was in reaction to a Supreme Court decision on reapportionment and other matters. The Rules Committee, by a 10–4 vote, discharged the Judiciary Committee from further consideration of the bill and reported it to the House. The bill passed the House in an amended form by a vote of 218 to 175 but was not subsequently approved by the Senate.

These examples of non-cooperation between the Rules Committee and the majority party leadership illustrate how many of the difficulties that persisted in the 87th Congress, despite enlargement, continued in the 88th Congress. Except for occasional reminders, the confrontation was somewhat muted since the original fight over expansion of the Committee in 1961. The Rules Committee was not the only source of frustration in the Congress for liberals, congressional leaders, and the Kennedy and Johnson administrations. Although the Democratic Party controlled the presidency, it had to limit its legislative goals in the 87th and 88th Congresses (1961–1965) because its majority in the House had dwindled since the 86th Congress, when the large Democratic majority first pushed for enlargement. The smaller Democratic seat advantage in the 87th and 88th Congresses limited the party's ability to enact legislation. This, in turn served to ease somewhat the conflicts with the Rules Committee.

## *A New 21-Day Rule*

When the 1964 election gave the Democrats their largest House majority since the 75th Congress (1937–1939) and returned Lyndon Johnson to the Presidency in a landslide victory over Barry Goldwater, they wanted to remove any remaining obstacles to their party's programs. Even before the 89th Congress formally convened on January 4, 1965, liberal Democrats began to plan legislative rules changes. With 295 Democrats in the House and an activist Democratic President about to start the first year of a new term, they wanted to ensure that the Rules Committee was not a roadblock to legislation favored by a majority of House Members. On December 4th, the House Democratic Study Group circulated reform proposals. The first of these called for reinstituting the 21-Day Rule, but in a form slightly different from how it had operated in the 81st Congress. As revised, the rule still provided for a procedure by which legislation before the Rules Committee could be brought to the floor if it had been pending before the Committee for 21 days without positive action. But unlike in the 81st Congress, when the committee chairman of the appropriate legislative committee could call it up, the Speaker was given the discretion to recognize the chairman or an authorized member of the legislative committee for that purpose. In addition, the DSG proposed giving the Speaker the authority to recognize a committee chairman for the purpose of offering a motion to send a bill to conference with the Senate. The purpose of this proposal was to strip the Rules Committee of its power over sending measures to conference committees. Under existing procedures, if a single House Member objected to a conference, the Rules Committee had to report a resolution calling for the conference. At times, the Rules Committee had used this power to block legislation—the aid to education bill in 1959, for example—from going to conference.

The House Republican Conference took a neutral position on the 21-Day Rule and the conference proposal, but it objected to giving greater discretion to the Speaker. When the Democratic Caucus met on January 2nd, it approved the DSG proposals, along with another reform giving the Speaker tighter control over dilatory floor tactics, by a vote of 189 to 71. Two days later these changes were adopted by a voice vote on the House floor after a 224–202 roll call vote on the previous question. This was done over the opposition of Judge Smith and Clarence Brown, as 16 Republicans and 23 southern

Democrats joined 185 northern Democrats in voting for the previous question.

The effect of these changes, especially the 21-Day Rule, is more clear cut than the consequences of enlarging the Committee in 1961. During the 89th Congress, the 21-Day Rule was applied to free eight bills from the Rules Committee, seven of which passed the House and five of which became law. The eight bills concerned: repeal of Section 14b of the Taft-Hartley Act; federal aid for school construction; broadening of Title VII of the 1964 Civil Rights Act on employment discrimination; a government employee salary increase; an amendment to the Bank Holding Company Act; establishment of a National Foundation of the Arts and Humanities; the Civil Rights Act of 1966 on prohibiting discrimination in jury selection and sale and rental of housing; and a postal rates bill. Perhaps some of the bills would have reached the House floor without benefit of the 21-Day Rule, but it made the task far easier and undercut delaying tactics. Moreover, the 21-Day Rule served as an effective threat, spurring the Rules Committee to action. For example, a request for a rule on the Voting Rights Act had been before the Rules Committee for five weeks without action. Judiciary Committee Chairman Celler initiated a discharge under the 21-Day Rule, but the Rules Committee reported the legislation before the 21-Day Rule was implemented. Clearly, the 21-Day Rule undercut Judge Smith's influence over scheduling.

As in the 81st Congress (1949–1951), use of the 21-Day Rule was controversial, and Speaker McCormack, like Speaker Rayburn, avoided overusing it. Late in the 1st Session of the 89th Congress, however, the leadership convened a marathon House session (twelve and one-half hours) during which four matters were considered under the 21-Day Rule. Moreover, the existence of a 21-Day Rule did not mean that every bill received a rule. When one subtracts the eight items brought to the floor via the 21-Day Rule from the rule-granting record for the 89th Congress, the record is not all that different from the 88th, except for the increase in rules granted from 164 to 204. (See Table 2.) However, most of those bills remaining in the Committee at the end of the 89th Congress, unlike the 88th Congress, were either of minor importance or opposed by the administration.

## *Items of Original Jurisdiction*

Aside from its rule-granting activities, the Rules Committee reported two important items of original jurisdiction during the 1961–1966 period. In 1965, it held hearings on and reported H. Con. Res. 4, which when passed by the House and Senate, established the Joint Committee on the Organization of Congress. A year later, partially in response to the lack of an existing internal House mechanism to investigate charges against Adam Clayton Powell (D-N.Y.), the Rules Committee brought to the floor a resolution to create the Select Committee on Official Conduct, a twelve-member panel with equal membership for the majority and minority parties. The resolution authorized the new committee to investigate allegations of misconduct against House Members, officers, and employees. Although the committee was given little power, its creation was an important first step toward oversight of congressional ethics.

## *Summary*

In reviewing Rules Committee activity between 1961 and 1966, five prime features stand out. First, although the Committee often cooperated with the majority party and its leadership, significant confrontations resulted from the enlargement of the Committee, the 21-Day Rule, and the removal of the Committee's power over sending bills to conference.

These were the first major efforts to make the Rules Committee more responsive to majority party leadership. Second, Judge Howard Smith continued to dominate the Rules Committee because of the powers that accrued to the chairmanship and because of his own political savvy. Despite the changes in the Committee, he was still able to build coalitions to delay, defeat, or alter legislation he opposed. Only during the 89th Congress was his effectiveness seriously diminished. Third, membership on the Rules Committee was fairly stable. Eight of the ten Democrats served throughout the period. Republican membership remained stable through much of the 87th and 88th Congresses, but the 1964 election brought significant change on the minority side. The Republicans on the Committee remained a fairly conservative group throughout the period. Thus, the Democrats had little opportunity to alter the Rules Committee through membership turnover, while the Republicans retained substantially the same ideological perspective despite turnover. Fourth, the minority party was crucial to the decision-making of the Rules Committee throughout the period. Republicans allied with Smith, Colmer, and a third Democrat to form a majority even after enlargement. At other times, such as on civil rights legislation, Republican support was needed to report a rule. In these cases, minority party influence was substantial on the Rules Committee; many decisions still were made by a cross-party coalition even after enlargement of the Committee. Finally, the source of the Rules Committee's influence in the House was largely unaffected. For the most part, its power was derived from its ability to negate, delay, or bargain and thus affect the legislative agenda for the House floor. Only rarely, as with the Tuck bill, did the Committee's influence come from an ability to expedite legislation. Enlargement and the operation of the 21-Day Rule altered the ease with which the Committee could exercise its negative influence, but those reforms did not put an end to it. As long as the membership and chairmanship of the Rules Committee was largely unaltered, it would continue to play the same "traffic cop" role in the House regulating the flow of legislation from committees to the House floor.

## Period of Independent Cooperation: (1967–1972)

A series of related events brought to an end the period of confrontation between the Rules Committee and the majority party leadership and ushered in a new period of independent cooperation. The triggering event occurred on July 12, 1966, when 83-year-old Judge Howard Smith, seeking renomination for his newly redistricted congressional seat in Virginia, was narrowly defeated in the Democratic primary. Suburban Fairfax County had been added to Smith's otherwise rural district, and it was carried by his opponent by a 2-to-1 margin.

When the 90th Congress convened on January 10, 1967, the Rules Committee had to select a new chairman and fill the vacancy left by Smith's departure. The consequences of Smith's defeat were far-reaching, especially for the conservative coalition on the Committee. As long as Smith and Colmer remained on Rules, the leadership had to contend with the obstructionist tactics of the conservative coalition. With the exception of the Republican 80th Congress (1947–1949), when Colmer was bumped, they had served on the Rules Committee continuously since Colmer was appointed in 1939 (Smith having been a member since 1933). Moreover, the substantial powers of the chair gave Smith (or even a less skilled member) the capacity to construct an obstacle course for the leadership.

Two key questions faced the leadership when the 90th Congress convened. First, who would Speaker McCormack choose to fill Smith's seat and the vacancy resulting from the defeat in the 1966 general election of moderate Arkansan James Trimble? Second, would McCormack oppose the bid for the chairmanship by Colmer, the senior Democratic member on Rules? The first of these questions was resolved when McCormack chose William Anderson (Tenn.), a southern moderate with a strong party voting record, and Spark Matsunaga (Ha.), a liberal, to fill the vacancies.[27]

The decision on the chairmanship was more difficult. House liberals wanted to deny it to Colmer. The DSG Executive Committee first suggested that the Majority Leader and the Minority Leader be added to the Rules Committee with the former chairing it, but this plan was dropped in favor of removing Colmer. When presented to the DSG membership in early January, the proposal was supported by only a 42-25 vote, and subsequently dropped.[28] However, these threats to Colmer allowed the leadership to negotiate the first written set of rules for the Rules Committee. Accounts differ concerning Colmer's agreement to accept these rules: some claim that it was in exchange for the chairmanship, others say the two were not linked, and still others claim that it was to placate those who wished to deny Colmer the chair. But the end result was the same. Colmer became chairman, and the Rules Committee—previously governed only by the rules of the House—adopted its own written rules.

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[27] In the 89th Congress, William Anderson and Spark Matsunaga had party support scores of 84 and 81 respectively, compared to Howard Smith's score of 22.

## *90th Congress Reforms*

The written rules provided for a regular weekly meeting of the committee, allowed the ranking majority member to call a meeting in the absence of the chairman, and established a procedure whereby a majority of Rules members could call additional meetings.[29] The new rules also placed some restraints on the chairman's control of Committee operations. No longer could the chairman refuse to call a meeting or prevent a meeting by absenting himself, as Judge Smith had done. Nevertheless, the chairman retained important influence in the operation of the Rules Committee—hiring and supervision of staff, designating the member responsible for reporting a rule to the House, and primary control of the agenda.

Repeal of the 21-Day Rule at the start of the 90th Congress gave the Rules Committee a new degree of independence. As the House convened, Majority Leader Carl Albert moved to adopt the House rules as they had existed for the 89th Congress. H. Allen Smith (Cal.), the ranking minority member on the Rules Committee, then took the floor to challenge the way the 21-Day Rule had been exercised. Procedures to file under the 21-Day Rule often had begun on the same day the bill was reported out of committee and before there was any evidence that the Rules Committee would bottle it up, he claimed. This was not the intent of the 21-Day Rule, Smith argued, and he said he would propose modification of the rule to prohibit the 21-day period from beginning before the Rules Committee received a rule request. But when the previous question on the Albert motion was defeated, Smith moved to substitute the rules of the 89th Congress *minus* the 21-Day Rule.[30] That motion was adopted 233-185, and the 21-Day Rule was repealed. However, the crucial vote had been on the Albert motion, which was defeated, 196-225. On that vote, only two Republicans had voted "yea" and only three northern Democrats "nay." Southern Democrats split 48–41 in favor.[31] The difference in the outcome from the 1965 vote on the 21-Day Rule reflected the net loss of 43 Democratic House seats between the 89th and 90th Congresses. In addition, the 1967 vote signified that the conservative coalition would continue to be an influential force on the House floor.

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[28] *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, 1968), p. 182.

[29] The rules as adopted appear in the *Congressional Record*, vol. 113, February 28, 1967, 90th Congress, 1st Session), p. 4774.

[30] Ibid., pp. 28-29.

Given the turnover of Democratic members, the change in the chairman, and the adoption of written rules, the loss of the 21-Day Rule was not as crucial as it otherwise might have been.

The combined effect of the reforms at the start of the 90th Congress was to make the Rules Committee *more* cooperative with the leadership. The rule-granting record of the committee during the 90th Congress supports this conclusion. Even without the 21-Day Rule the Rules Committee denied or deferred rule requests on only six pieces of legislation and held no hearings on nineteen others.

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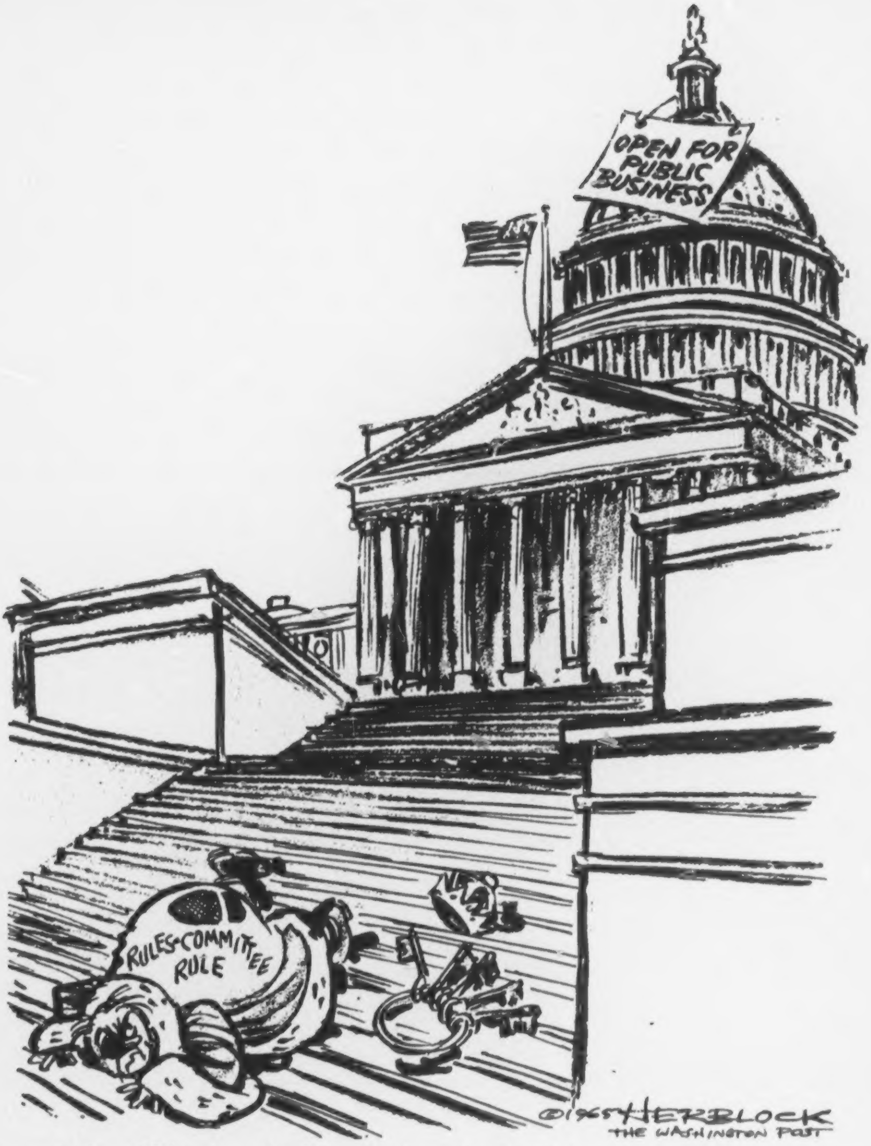
[31] *Congressional Quarterly Almanac, 1967*, p. 181.


OPEN FOR PUBLIC BUSINESS
RULES-COMMITTEE RULE
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(See Table 2.) [32] None of the bills were major pieces of the Johnson legislative program, and five were opposed by the administration. At times, the Rules Committee used its ability to delay to assist the leadership. For example, it held up reporting the administration's farm bill (H.R. 17126) favored by Democrats on the Agriculture Committee and actually denied it a rule on a 6–6 tie vote in May 1968 until the Agriculture Committee reported food stamp legislation (S. 3068) in July. Both bills were then promptly given rules.

This does not mean that the Rules Committee always cooperated with the Democratic Party and committee leaders. It could still use its position to bargain, and the chairman retained some influence. In the early summer of 1968, Chairman Colmer refused for several weeks to schedule a hearing on a gun control bill (H.R. 17735) reported by the Judiciary Committee until Judiciary Chairman Celler pledged not to accept any registration or licensing amendments on the floor. Under most circumstances, beginning in the 90th Congress, the Rules Committee retained a degree of independence but generally cooperated with the leadership.

## *Basis for Cooperation*

Other factors contributed to this cooperative spirit. One was the personal relationship between Chairman Colmer and Speaker McCormack. It is hard to pinpoint exactly when the friendship began (some trace it back to the period following the 1948 election when McCormack ensured Colmer's reappointment to the Committee), but it continued after their retirements from the House. (Colmer retired in 1973; McCormack in 1971.) At least one source describes Colmer's chairmanship of the Rules Committee as a "period of courtesy." [33]

Second, the 90th Congress had a smaller Democratic majority in the House—only 248 seats compared to 295 in the 89th Congress—and the margin of control remained near that level through the period. Thus, the legislation reaching the Rules Committee was likely to be more consensual. Further, the seat losses had been borne more heavily by party-oriented members. Thus, as Table 1 indicated, the average party support score for all House Democrats declined from 67 to 63 between the 89th and 90th Congresses. However, it increased for Rules Democrats (because of the membership turnover) from 68 to 72.1. This left the Rules Democrats more party-oriented than House Democrats by a large margin. Under these conditions, if

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[32] Although some counts for the 90th Congress show a higher number of rules denied and deferred, they include rule requests that were deferred by the Committee without a hearing. In Table 2 such deferrals are grouped with those rule requests not receiving a hearing.

[33] Spark M. Matsunaga and Ping Chen, *Rulemakers of the House* (Urbana, Ill.: University of Illinois Press, 1976), p. 108.

Rules Democrats denied a rule to a bill, it was unlikely that the bill would pass on the floor.

Third, for four of the six years in this period of cooperative independence from 1967 to 1972, the Presidency was in the hands of the Republican Party. The brunt of House Democrats' frustration was often the Nixon administration, not the Rules Committee.

## *The 91st and 92nd Congresses: Rules Tows the Party Line*

The smooth working relationship between the Committee and the majority party leadership established in the 90th Congress continued in the 91st and 92nd. Again, the rule-granting record supports this conclusion. In these two Congresses substantially fewer bills were denied rules than in the 90th. An increasing number of the bills held up by the Rules Committee were bills the majority party leadership did not want to bring to the floor. Thus, the Rules Committee, as part of its cooperative role, "took the heat" for the leadership on a number of occasions. The Rules Committee always had "taken the heat" to some degree, but in the 1967–1972 period a number of crucial cases are worthy of particular attention. In 1968, the Rules Committee unanimously voted to defer action on S. 355, a congressional reorganization bill. The bill was the outgrowth of two years of work by the Joint Committee on the Organization of Congress. It contained five titles dealing with everything from committee procedures to staffing to lobbying regulation. Despite numerous redrafts of the legislation to meet objections to the bill, controversy continued on both the legislation and on the rule which should accompany it. Parliamentary maneuvers by some Republican and Democratic House Members to bring the reorganization act and a campaign financing bill to the floor late in the Congress included the filing of a discharge petition and a thirty-two hour continuous House session. But no rule was granted.[34]

In December of 1970, the Rules Committee, on a 7–7 tie vote, prevented H.R. 18214, a bill establishing a Consumer Protection Agency, from reaching the floor. Richard Bolling, a party leadership-oriented Democrat, was vacationing following the 1970 election and refused to return to break the tie. Reports at the time blamed Bolling.[35] In fact, the matter was much more complicated than that.

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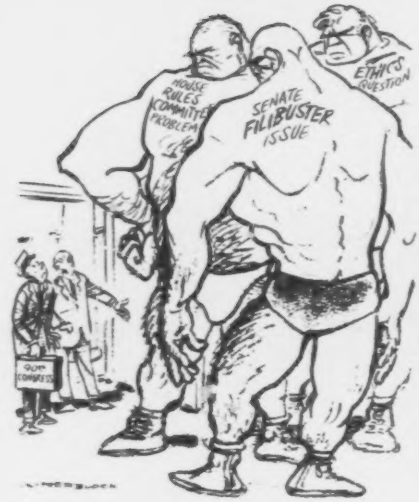
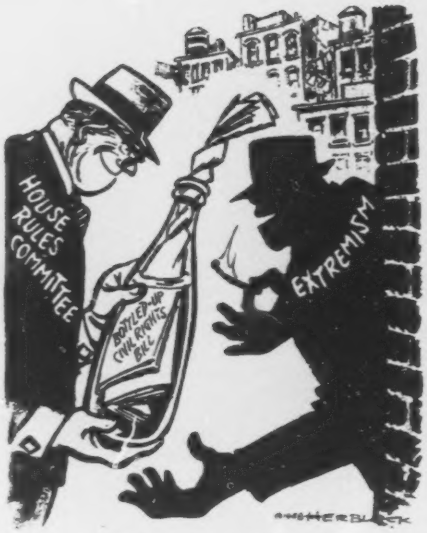
[34] Walter Kravitz, "The Legislative Reorganization Act of 1970," a Report prepared by the Congressional Research Service, Library of Congress, Nov. 18, 1970; expanded Dec. 12, 1972.

[35] Gary Orfield, *Congressional Power: Congress and Social Change* (New York: Harcourt Jovanovich, Inc., 1975), p. 89.



HOUSE RULES COMMITTEE PROBLEM
SENATE FILIBUSTER ISSUE
ETHICS QUESTION
90th CONGRESS
HERBLOCK

"AND HERE'S THE GYM, IF YOU FEEL LIKE A FAST WORKOUT."



HOUSE RULES COMMITTEE
BOTTLED-UP CIVIL RIGHTS BILL
EXTREMISM
HERBLOCK

COALITION COCKTAIL

----from The Herblock Gallery (Simon & Schuster, 1968)

During the 92nd Congress, the Democrats on the Rules Committee consented to the leadership's request to keep a desegregation aid bill from reaching the floor. The Committee refused to consider the bill on a party line vote.

In a slightly different manner, the Democrats on Rules showed their growing party loyalty during this period. In February 1970 the Rules Committee heard a request to waive a point of order against the inclusion of a legislative provision in a general appropriation bill. The bill was the Labor-HEW appropriation, and the waiver concerned a provision granting the President permission to withhold spending on formula grant programs. The hearing was unusual because HEW Secretary Robert Finch testified before the Rules Committee, a role normally reserved exclusively for Members of Congress. Although Finch threatened a Presidential veto if the provision were not included, all Rules Democrats, except Colmer, voted against the waiver. Such independence was more easily achieved with a more "cooperative" Rules Committee majority.

## *The Rules Committee Under Fire*

Although the 1967–1972 period on the whole was more cooperative than confrontational, on occasion the Rules Committee pitted its will against the majority. At the start of the 92nd Congress, liberal Democrats supported by Speaker Albert succeeded in getting support of the House Democratic Caucus for a 31-Day Rule (although a modified form of the 21-Day Rule, the rule was still able to coerce action by the Rules Committee). During the floor debate on adopting rules for the 92nd Congress, Colmer defended the Committee, claiming that it had killed only four bills in 1970. In the course of the debate, he reminded his colleagues that he was not the one responsible for keeping bills from reaching the floor:

> Oh, how many times, how many times have I been implored and other members of this Committee on Rules been implored: "Please, for God's sake, do not report that controversial bill out; it would defeat me for reelection." So it serves as a buffer.[36]

The vote on the previous question was defeated, 133–254, with only three Rules members—Madden, Bolling, and O'Neill—supporting the 31-Day Rule.

In two other areas, the Vietnam War and busing, the Rules Committee became embroiled in controversy. House Members opposed to the Vietnam War wanted to have the opportunity to debate and have recorded votes on issues relating to the war. In April 1970, these Members, led by Congressman Donald Fraser (D-Minn.), requested that the Rules Committee grant a rule for a military procurement bill (H.R. 17123) providing for eight hours of general debate and recorded teller votes in the Committee of the Whole. (Normally there were no recorded votes in the Committee of the Whole until after passage of the Legislative Reorganization Act of 1970). Fraser complained that previously the bill managers had denied them time during general debate.[37] Mendel Rivers (D-S.C.), Chairman of the House Armed Services Committee, requested only three hours of general debate. The Rules Committee finally granted four hours of debate and did not support the recorded vote request. Nevertheless, issues such as Vietnam and busing, which split Democrats in the House, at times divided the majority party membership on Rules.[38]

In addition, the Rules Committee's granting of closed rules, especially on tax bills, became increasingly controversial. In 1969, Ways and Means Committee member Charles Vanik (D-Ohio) appeared before the Rules Committee to request that the rules granted to two tax bills (H.R. 12290 and H.R. 13270) permit him to offer an amendment. In each case, however, a closed rule was granted. In 1971, another closed rule being granted to a tax bill (H.R. 10947) was opposed, and again it was adopted. But following this controversy, closed rules were no longer routinely granted on tax bills.

One final example of the Rules Committee becoming involved in controversy during this period was the West Coast Dock Strike Bill of 1972. The legislation provided for the establishment of a three-member board to settle the strike issues by compulsory arbitration. The Education and Labor Committee had refused to report it. Despite the opposition of the majority party leadership, the Rules Committee voted to discharge the Education and Labor Committee from further consideration of this bill as well as a substitute bill, and reported them directly to the floor.[39] As with the Tuck bill in the 88th Congress, the Rules Committee's rare use of its extraction power angered the leadership.

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[36] *Congressional Record*, vol. 117, January 22, 1971 (92nd Congress, 1st Session), p. 133.
[37] *Congressional Quarterly Almanac* 1970 (Washington, D.C., Congressional Quarterly, 1971), p. 387.
[38] Matsunaga and Chen, *Rulemakers of the House*, p. 134.

As we have seen, the Rules Committee was more cooperative with the leadership during the 90th to 92nd Congresses (1967–1973) than it had been during the 87th to 89th (1961–67). But the period was not totally devoid of controversy. Democratic Caucus support for a 31-Day Rule over the objection of a majority of Rules Members, the Committee's opposition to recorded votes on bills relating to the Vietnam War, it practice of granting closed rules on tax bills, and its discharge of the West Coast Strike Bill from the Education and Labor Committee demonstrated the Committee's continuing independence. During this period the Rules Committee also devoted its attention to matters of original jurisdiction.

## *Matters of Original Jurisdiction*

By 1969, the need to modernize the institution of Congress to meet the demands of a changing society had become critical. The world and the country had changed significantly since the last major redistricting of Congress in 1946. In the development of the Legislative Reorganization Act of 1970, the Rules Committee played an important role. Following the debacle over reorganization and campaign reform legislation in 1968, the Committee undertook primary responsibility for resurrecting this legislation and for resolving the controversies surrounding it. During the first seven months of the 91st Congress, twenty different reorganization bills were introduced and referred to the Rules Committee.[40] Chairman Colmer appointed a five-member Special Subcommittee on Legislative Reorganization headed by B.F. Sisk (D-Calif.) to investigate and report its recommendations to the full committee. The other members of the subcommittee were Democrats Ray Madden (Ind.)—who resigned from the subcommittee a month later and was replaced by John Young (Tex.)—and Richard Bolling, and Republicans H. Allen Smith and Delbert Latta (Ohio). The subcommittee held executive sessions to study and draft its own bill, conducted seminars to explain its position, and held open and executive hearings during 1969.

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[39] Ibid., pp. 24–25. Although the legislation was enacted quickly, it was never implemented because the strike was settled.

[40] Kravitz, "The Legislative Reorganization Act of 1970," report as expanded Dec. 12, 1972, p. 6.

In April 1970, the full Rules Committee began a series of sessions to consider the draft bill. It then reported two pieces of legislation, H.R. 17654 and H.R. 1031. The first, introduced by Chairman Colmer and co-sponsored by the entire Rules Committee, dealt with committee, floor, and conference procedures and functions; fiscal controls; information sources; and institutional modernization. Among the key reforms proposed by the bill were: opening committee sessions unless a majority of the committee voted them closed; regulating television and broadcasting coverage of committee hearings; announcing committee votes taken on motions to report bills; limiting use of proxies; making committee reports available for three days prior to floor consideration; adopting new procedures for considering non-germane amendments added by the Senate; increasing budgetary information from the Executive; increasing professional committee staffs; expanding the Legislative Reference Service into the Congressional Research Service; and establishing a committee to study the use of automatic data processing equipment by the Congress (H. Rept. 91-12150). The second measure concerned campaign expenditures and lobbying, thus separating it from the reorganization issue. H.R. 1031 recommended that the Committee on Standards of Official Conduct have jurisdiction over these matters, immediately investigate them, and report its recommendations. It was quickly adopted by the House.

The reorganization bill required extensive floor debate and amendment. Among the major floor changes were a requirement that all committee roll call votes be made public, procedures for recorded teller votes, and elimination of the data processing study committee. The bill then passed the House, 326–19. Changes made in the Senate primarily concerned Senate procedures.

The Legislative Reorganization Act of 1970 (P.L. 91-510)—the most sweeping reform of congressional procedures since the 1946 Legislative Reorganization Act—was the major accomplishment of the Rules Committee during the period. Not only did the act bring about broad changes in Congress as a whole, but it significantly affected Rules Committee activities. In 1971, only 15 percent of Rules meetings were closed compared to 36 percent in 1969.[41] In addition, the roll call votes of the Rules Committee became public whereas formerly they could be obtained only by its members.

In 1972, the Rules Committee added to its work on the reorganization act by sending H. Res. 1153 to the floor. This resolution affected consideration of committee reports, conference reports, and nongermane amendments added by the Senate. The provision making it easier to obtain a separate vote on non-germane amendments in conference reports was the most important provision. It corrected a loophole in the 1970 act and eased a source of contention between the House and the Senate.

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[41] *Congressional Quarterly Almanac, 1971* (Washington, D.C.: Congressional Quarterly, 1972), pp. 124-H.

These, as well as other original jurisdiction bills, indicate the marked change in the Rules Committee by the early 1970's compared to the 1961–1966 period. During that time, original jurisdiction matters consisted primarily of resolutions on foreign travel and committee investigations. In a period of confrontation, when the Rules Committee and the majority party leadership had to bargain over reporting legislation, key matters of original jurisdiction were largely ignored or handled by other means. In this new period, the Committee could go beyond its rule-granting role and explore other ways in which it could begin to shape the House.

## *Summary*

The Rules Committee changed during the 1967–1972 period, but the process through which the changes occurred was less dramatic than in the 1961–1966 period. After the initial activities at the start of the 90th Congress which give the Committee written rules and repealed the 21-Day Rule, it was mostly a time of gradual adjustment and stability. The membership of the Rules Committee remained exactly the same over the entire six-year period. Of course, some of the members altered their stances as old issues faded and new ones developed. In particular, some reliable party supporters from the majority and minority membership of Rules showed increased independence in their voting. But this alteration was at most a moderate one. Moreover, there was stability in the chairmanship of the Committee. Not only did Colmer chair the Rules Committee throughout the period, but he is generally credited by members who served with him with being fair and cooperative, despite his differences with them over policy.[42] Although he occasionally delayed measures he strongly opposed, Colmer—unlike Smith—often scheduled bills that he did not personally favor. The drastically different styles of these two Rules Committee chairmen may reflect differences in philosophy about the chairmanship and the Rules Committee's role or merely a reaction to the political environment at the time (the threat to Colmer becoming chairman, written committee rules, or being outnumbered). The exact reasons for the change are less important than the fact that Colmer's chairmanship allowed cooperation to develop with the majority party leadership and provided for a certain stability for the Committee. The Rules Committee became a Committee that would deny fewer requests, especially when they were favored by the majority party leadership. It still withheld action on some requests and on some issues became a focus of controversy, but these cases were true exceptions.

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[42] Matsunaga and Chen, *Rulemakers of the House*, pp. 108–110.

In this environment the role of the minority party members on the Rules Committee also changed. Their votes were less frequently decisive in the granting of rules because to form a conservative majority, they needed to attract two votes, in addition to Colmer's, from the nine party-oriented Democrats. At times individual Republican members on the Committee swayed the course of legislation. John Anderson provided the deciding vote in 1968 on the open housing bill (H.R. 2516). He kept the measure from being sent to conference (where it might have died), thereby eventually allowing the House to accept the Senate amendments. H. Allen Smith, a former F.B.I. agent, testified against giving a rule to a bill from the House Un-American Activities Committee to establish a freedom commission and academy (H.R. 735). Smith's testimony added legitimacy to the Committee's decision to deny the rule. Republican members also were instrumental in designing the Legislative Reorganization Act of 1970. Moreover, with a Republican in the White House beginning in 1969, the Rules minority became more important in the development of legislative strategy on administration programs. The ranking Republican automatically serves as a member of the House Republican Policy Committee and normally one other Republican Rules member has had similar responsibilities.

Following the 1966 congressional elections and the election of President Nixon two-years later, the House became more conservative. And the conservatism of the chamber may have camouflaged the changes in the Committee during this period of independent cooperation. Its influence was still largely derived from its ability to stop legislation from reaching the floor, although it exercised this prerogative less frequently than it did between 1961 and 1966. The attention of the Rules Committee to important matters of original jurisdiction, despite its work on the reorganization act, was still not systematic and often not initiated by the Committee. Finally, whatever influence the Rules Committee may have lost from flexing its muscles less often by denying fewer rule requests may have been offset by a decline in the number of attacks on it by leaders of the majority party in the House.

## The Rules Committee as an Arm of the Leadership: 1973–1980

Between 1973 and 1980, the Rules Committee changed from a body that cooperated with the majority party leadership to one that served once again as an arm of the leadership. To understand how the Rules Committee served the House in 1980, one must first understand the factors responsible for this change. Three factors are particularly important: the membership turnover and recruitment of new Rules Democrats, House reforms that directly affected the Committee, and the needs of the "reformed" House to which the Rules Committee was able to respond.

## *Membership Turnover*

Rules Committee turnover in the 1973–1980 period was unusually high, particularly among the majority members. Three vacancies occurred in the 93rd Congress, two in the 94th (one was created by the enlargement of the Committee to sixteen members), three in the 95th, and four in the 96th. Of the ten Democrats on the Committee in 1970, only Richard Bolling and Claude Pepper (Fla.) were still members in 1980. This high level of turnover contrasts with the stability of the Rules membership between the 84th and 92nd Congresses (1955–1973). Except for the two Democrats who were added in the 1961 enlargement, there were only three other vacancies during the period. Given the significance that the filling of vacancies had on the Rules Committee in previous years, it is not surprising that the turnover since 1972 has been a major factor in altering the Committee's posture.

Prior to the 93rd Congress (1973–1975), Rules Committee vacancies in the post-World War II era were generally filled by party leaders. Although responsibility formally rested with the respective party committees on committees, they followed the recommendations of their leaders. In the Democratic Party this meant the Speaker and the Majority Leader had the primary responsibility. Thus, for example, Speaker Rayburn was bound by Majority Leader John McCormack's commitment to reappoint William Colmer to the Committee in 1949. Although the Speaker normally may have been dominant in this process, it was not until 1973 that he clearly took control in filling Democratic Rules vacancies. That year three Democratic Rules seats were filled by Speaker Carl Albert's personal choices. The most important of these decisions was his choice of Gillis Long (La.), a moderate to replace retiring Chairman William Colmer. Albert had been under pressure from a caucus of southern conservatives to name Sonny Montgomery (Miss.) to fill the vacancy. Montgomery's voting record in the House, like Colmer's, was among the lowest in terms of party support.[43] The addition of Long instead of Montgomery meant that no strict conservative Democrat remained on the Committee.

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[43] Oppenheimer, "The Rules Committee: New Arm of Leadership in a Decentralized House," and Richard Lyons, "Democrats Tighten Grip on Rules Panel," *The Washington Post*, Jan. 12, 197 p. A:2.

After the 94th Congress convened on January 14, 1975, the House Democratic Caucus adopted a resolution, offered by Rules Democrat Richard Bolling, giving the Speaker power to nominate all Democratic members of the Rules Committee at the start of each Congress, subject to ratification by the caucus. This formalized an already existing procedure in the naming of new Committee members, and by giving the Speaker the power to reappoint current members at the start of each Congress, the resolution subjected them to the threat of removal. Although some argued that this gave the power "to dictate to the Democratic members," the implications of the change were far more subtle. As one Rules Democrat observed:

> Now that it is a formal power it makes every single member aware that he is subject to the Speaker's veto. Someone else may have put you on. And his successor isn't going to take you off because of rigid customs. Hell, all of us tend to think no one has the right to touch us. But inertia is very important around here . . . and you equalize the inertia by giving him this veto under this rule. It evens up the inertia.[44]

Since the 93rd Congress, Speaker Albert and his successor Speaker O'Neill used their authority to appoint Democrats to the Rules Committee who will not only support the leadership, but who were generally willing to develop the Rules Committee into a majority party vehicle. The Speaker sought the recommendation of certain Rules Democrats in making new appointments. For the most part, the recruitment of new members involved little dispute. One exception to this occurred at the start of the 96th Congress when Speaker O'Neill decided to fill the vacancy left by the retirement of B. F. Sisk with Anthony Beilenson (Cal.) rather than with the candidate preferred by the House Democrats in the California delegation. By 1982, the Speaker had not denied reappointment to any Rules incumbent, although in one instance in the 95th Congress, a Rules member was reminded by the Speaker that he could find himself demoted to the District of Columbia Committee in the next Congress.

These vacancies and the power to select new members have given the Speaker greater influence over the Rules Committee. But it is influence gained in large part because those chosen as members view the Rules Committee as a leadership resource rather than because they fear the Speaker's sanction. Ironically, during this period it has become easier for Rules Democrats to vote against their party's position on the Committee when it has been in conflict with their districts' interests. Since the Committee's Democrats generally supported party positions, the defection of a few to vote with the five Republicans usually did not affect the outcome. Leeway existed that was not available when Smith and Colmer were members.

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[44] Bruce I. Oppenheimer, "Changing Roles of the House Rules Committee," (Paper delivered at the 1976 Annual Meeting of the Southwestern Political Science Association, April 7-10, 1976), p. 13.

One change in the Rules Committee's composition occurred at the start of the 94th Congress. In keeping with the requirement that party ratios on committees reflect the party ratios in the House, the Democratic Caucus required that all committees, except Standards of Official Conduct, have a party ratio of two Democrats to one Republican plus an additional Democrat. To meet this requirement the party composition of the Rules Committee was changed from ten Democrats and five Republicans to eleven Democrats and five Republicans. The added member gave the Democrats even further leeway. But its most significant impact was in altering the physical environment of the Committee's hearing room. The Committee had met at a large table around which sixteen people could sit—fifteen Rules members and one witness. This gave Rules' proceedings an air of informality, allowing members to converse across the table and sit on the same level with the witness. But with the addition of the sixteenth member, it became necessary to redesign the seating facilities. The table was replaced with the standard semicircular elevated hearing desks, facing a small witness table.[45]

The high turnover on the Committee and the recruitment process has increased party loyalty among Rules Democrats. Beginning in the 93rd Congress and continuing through the 96th Congress, 1st Session, the average party support and opposition scores of Rules Democrats indicate the increased backing they gave to their party. (See Table 1.) The difference between the average support and opposition scores of Rules Democrats compared to all House Democrats has steadily increased with one exception, the 96th Congress, 1st Session. (Unusually high absences of some Rules Democrats due to illness lowered their average support score during that session.)

The Committee's rule-granting record substantiates this finding of increased party orientation. (See Table 2.) Although the number of rules denied remains about the same in the 93rd to 95th Congresses as in the 92nd, there has been a sizable increase in the number of rules granted by the Committee. In the 94th Congress, there was nearly a 50 percent increase in rules granted compared to the 92nd Congress. Moreover, most of the bills that did not receive rules during this time were either opposed by the leadership or reported very late in the Congress. For example, of the thirteen bills that did not reach the floor because the Rules Committee either did not hear them or denied a rule request in the 93rd Congress (January 3, 1973, to December 20, 1974) seven requests reached the Rules Committee after the start of August 1974, and four of the seven were requested following the November election during the lame duck session. Of the other six requests, one was in all likelihood opposed by a majority of House Members (a bill to amend the Internal Security Act) and another had been reported adversely by the legislative committee.

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[45] Richard L. Lyons, "Rules Panel Room Has a New Look," *The Washington Post,* August 3, 1975, p. A:5.

It is fair to say that the Rules Committee at the start of the period held a lenient attitude on granting rules. This met with some disapproval both on the floor and in the Committee. During the 93rd Congress, a record sixteen resolutions were defeated on floor votes on the previous question or on final passage.[46] As one Rules member described the situation during the 93rd and early part of the 94th Congress: "If it's (the Rules Committee) a traffic cop, the light's green all the time." [47]

Between 1973 and 1980, a majority of the Rules Committee was rarely unwilling to report a rule desired by the leadership. In the closing hours of the 95th Congress, the Rules Committee, on an 8-8 tie vote, refused to report a rule for consideration of conference reports on the Carter energy plan. In dispute was whether to allow only a single vote on a number of conference reports as the leadership desired or a separate vote on the natural gas portion of the package.[48] The Speaker was able to persuade B. F. Sisk, a retiring Member of Congress, to switch his vote, and the rule was reported a day later.

## *House Reforms*

Membership turnover was a crucial factor in altering the functioning of the Rules Committee. But it was not the only one. The 1970's were a time of substantial changes in the overall operation and organization of the House. The waves of House and Democratic Caucus reforms, in turn, had significant impact on the Rules Committee. Already mentioned was the adding of a sixteenth member. In addition, the House Democratic Caucus placed other restrictions on the Rules Committee. In January 1973, Caucus rules were amended to place restrictions on the granting of closed rules.[49] The amendment required notification in the *Congressional Record* of the intent to request a closed rule and allowed fifty Democrats to delay issuance of a closed rule by specifying in writing a particular amendment they would like to have offered. The Caucus would then decide whether the amendment should be allowed. In 1974 and again in 1975 the Caucus instructed Rules Democrats to permit certain amendments to tax bills to be offered on the floor. In the first case, the rule request was withdrawn by the chairman of the Ways and Means Committee. The second caused some discontent among the Committee's Democrats, but the rule allowing for the amendments finally was granted. The Caucus also instructed Democrats on Rules to report other rules in particular ways. In the 93rd Congress, the Caucus first instructed them not to report H. Res. 988, the Committee Reform Amendments, until the Caucus acted on recommendations of a Caucus committee and later required that they make a substitute in order. In the 95th and 96th Congresses, the Caucus mellowed in this regard, but closed rule requests became rarer.

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[46] Data comes from internal report prepared by a Rules Committee minority staff member.

[47] Oppenheimer, "Changing Roles of the House Rules Committee," p. 24.

[48] H. Res. 1434 and H. Rept. 95-1782. The rule was finally reported, 9-5, with two members voting present.

[49] Rule IX, *Manual of the House Democratic Caucus*, 93rd Congress.

The Rules Committee directly and indirectly played an important part in the development of H. Res. 988. The chairman and the ranking minority member of the Select Committee on Committees that produced the resolution were Richard Bolling and David Martin (R-Neb.), both Rules members. Moreover, the select committee was called the Bolling Committee. The broad ranging proposals it produced, as embodied in H. Res. 988, called for significant changes in committee jurisdictions, bill referral, and legislative oversight responsibilities. Not surprisingly, the Bolling Committee's recommendations which were designed to alleviate many of the problems created by committee and subcommittee overlap and duplication were extremely controversial. Instead of allowing the Rules Committee to report H. Res. 988, the Democratic Caucus, as noted previously, voted to refer it to the caucus Committee on Organization, Study and Review chaired by Julia Butler Hansen (D-Wash.). For the most part, the recommendations of the Hansen Committee as contained in its substitute resolution, H. Res. 1248, severely undercut the major thrust of H. Res. 988. Not only did the Hansen Committee drop most of the significant committee jurisdictional changes in the Bolling proposals, but it also attacked the Rules Committee in three of its recommendations. First, it granted all standing committees investigative authority, thus making it unnecessary for them to obtain a resolution from the Rules Committee granting investigative authority as had previously been the case.[50] Second, as reported, H. Res. 988, would have given the Rules Committee a bill referral appeal function. But the Hansen resolution did not include this provision. Third, H. Res. 1248, contained a proposal to bypass the rule-granting authority of the Rules Committee. Under the "bypass" the Speaker would be permitted to recognize committee members to offer their own rules on the House floor.[51]

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[50] H. Res. 988, as adopted, pp. 79–80.

[51] On the role of the Rules Committee in the development of H. Res. 988, see Roger H. Davidson and Walter J. Oleszek, *Congress Against Itself* (Bloomington, Ind., Indiana University Press, 1977).

When the Committee Reform Amendments were considered on the House floor late in the 93rd Congress, the Hansen proposal as amended was submitted for the language of H. Res. 988 and then adopted by the House. Among the amendments was one removing the Rules "bypass" provisions. Ironically, the limited changes of the Hansen proposal left relatively untouched many of the problems the Select Committee on Committees had tried to address, and, in turn, the Rules Committee found itself increasingly in the position of having to resolve jurisdictional disputes among House committees.

Because the House underwent significant changes in the 1970's the Rules Committee during the next decade had to adjust its functions to meet the needs of the "reformed" House. Numerous problems resulted from the reforms, in addition to the increase in jurisdictional disputes among committees and subcommittees. Many relatively inexperienced Members acquired bill management responsibilities; keeping track of and therefore scheduling legislation became more difficult; more bills needed to be rewritten or became unraveled as a result of somewhat unrestrained floor proceedings; and a lack of adequate leadership resources made it harder to manage an increasingly decentralized House.[52] By helping the leadership cope with some of those problems the Rules Committee performed an essential service in the House.

## *Three "Hats" for the Committee*

During this period, the Rules Committee performed three other roles in addition to it's primary rule-granting function. They have been called the "new traffic cop," dress rehearsal, and field Commander roles.[53] As the "new traffic cop," the Committee performed many of the same tasks as the "old traffic cop." It continued to "take the heat" for the leadership in keeping some bills off the floor, and at times delayed legislation when the timing was not propitious. But the new role placed a greater emphasis on its positive as opposed to its—negative powers—expediting legislation rather than delaying it. Thus, the Committee became increasingly involved in resolving jurisdictional disputes that impeded the flow of legislation and in placing constraints on and giving better focus to floor debates. The Rules Committee achieved these ends by giving increased attention to the crafting of rules as opposed simply to deciding whether or not to grant a rule.

Prior to 1973, the overwhelming majority of rules were straightforward, open or closed. They may have included routine waivers of points of order but little more than that. Since the 93rd Congress, there has been a significant growth in the use of "complex" or "modified" rules. By the 95th Congress they constituted greater than 20 percent of all rules granted.[54] (See Table 3.) And indications are that the proportion of such rules increased in the 96th Congress.

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[52] Lawrence C. Dodd, and Bruce I Oppenheimer, "The House in Transition," in *Congress Reconsidered*, pp. 21–53.

[53] Oppenheimer. "The Rules Committee: New Arm of Leadership in a Decentralized House," pp. 96–116.

TABLE 3.—*Complex Rules*[1]

| | *Congress—* | | | | | |
|---|---|---|---|---|---|---|
| | *90th* | *91st* | *92d* | *93d* | *94th* | *95th* |
| Total rules granted | 192 | 218 | 204 | 255 | 301 | 256 |
| Complex rules granted | 1 | 6 | 9 | 24 | 35 | 53 |

[1] See footnote 53 for sources.

The simplest form of a "complex" rule merely allocates general debate time between more than one committee or among more than just the majority and minority managers from the committee reporting the legislation. This type of modification is primarily used to settle jurisdictional disputes, to allow competing committees adequate floor time to present their cases or their part of the legislation, or to protect members of the legislating committee who are opposed to the position taken by the majority and minority managers. A second form of rule modification makes a particular amendment or substitute, other than a committee amendment, specifically in order. At times the amendment might otherwise be out of order, but ordinarily the rule is designed to focus debate on a major alternative to the committee version of the bill. The final type of complex rule restricts the amending process by either specifying what amendments may be offered and by whom or by requiring that any amendments to be offered must be printed in the *Congressional Record* by a given date. This type of modified rule is designed to allow major alternative provisions to be considered and to receive significant attention, to keep the amending process and floor debate within boundaries, and to prevent floor obstruction and the unraveling of legislation.

Clearly, not all members of the Rules Committee agree with the use of restrictive rules. Some Republicans on the Rules Committee frequently used the floor debate on the rule to object to limitations being placed on the amending process. In particular, Congressman Robert Bauman (R-Md.), who joined the Rules Committee late in the

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[54] Bruce I. Oppenheimer, "The Changing Relationship between House Leadership and the Committee on Rules," (Paper prepared for delivery at Understanding Congressional Leadership: The State of the Art, a conference co-sponsored by the Everett McKinley Dirksen Center and the Sam Rayburn Library, June 10–11, 1980).

95th Congress, referred to many of these as closed rules. During debate on one such rule, he argued:

> If this is the way the House is to be run, I want no part of such procedure. You must understand that the future use of closed rules is an announced policy of the majority and this is one of the first examples. I will not be a party to it, whether it be for the benefit of my side or the majority side.[55]

Nevertheless, the crafting and managing of rules has become an increasingly important task for the Rules Committee. Further, complex rules normally accompany important pieces of legislation. In the 94th Congress, they accompanied legislation to amend the Federal Election Campaign Act, to affect natural gas price regulation, to extend unemployment compensation, to amend revenue sharing, to regulate energy supplies and pricing, to suspend prohibitions on military assistance to Turkey, and to regulate lobbying—to name just a few.

In the 95th Congress, the rule fashioned to provide for debate of the National Energy Act of 1977 was crucial to the bill's success in the House. It was no accident that two Rules members, Richard Bolling (D-Mo.) and John Anderson (R-Ill.), served on the Ad Hoc Committee on Energy that aggregated the separate pieces of the energy act. The carefully prepared rule permitted twelve specific amendments to be offered by individual House members, in addition to those to be offered en bloc by the Ad Hoc Committee. These amendments covered the major areas of controversy, allowed for a vote on the Republican substitute, and provided for a motion to recommit. In large part because of the rule, the House was able to complete action on the energy package in only five days.

Rule management on the floor accordingly has become a more complex task during this period. Not only are an increasing number of rules "complex," but the degree of complexity is also increasing. It is not unusual for a rule to occupy an entire column in the *Congressional Record,* and for the manager to begin his explanation in a manner similar to the one Richard Bolling employed in presenting the rule for consideration of the first concurrent resolution on the budget for fiscal year 1981:

> Mr. Speaker, those who listened to the rule will know what it does. It is obviously an unusual rule and this is an unusual situation. We spent a lot of time crafting the rule and we tried to take into consideration all of the broad interests that were present in the House of Representatives on this very difficult matter.[56]

The Rules Committee's role as a traffic cop is no longer limited to deciding whether to grant a rule. The majority members must work to design rules to expedite the floor consideration of legislation while not impinging too greatly on the amending process. And the minority members must ensure that the restrictions do not infringe on the ability of their party to offer their positions and have them considered on the floor.

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[55] Debate on H. Res. 456 providing for consideration of H.R. 2313, the Federal Trade Commission Authorization, *Congressional Record,* daily edition, Oct. 26, 1979 (96th Congress, 1st session), p. H9767.

[56] *Congressional Record,* daily edition, April 23, 1980 (96th Congress, 2nd Session), p. H2804.

The "dress rehearsal" function of the Rules Committee has also become increasingly important. Rules members comprise the first audience for a piece of legislation outside the narrow confines of the committee and subcommittee that reported it. As such, the hearing on a rule request serves as a "dress rehearsal" for bill managers before they take the legislation to the House floor. The hearing on a rule is an opportunity for them to present their case and test the reaction from Rules members. The Committee is representative enough of the House that provisions which do not sit well there are almost certain to face a floor challenge. Bill managers are not the only ones to use the Rules Committee for this purpose. Those wishing to offer key amendments will come to Rules to preview their cases and to publicize them. Aside from offering feedback to the witnesses so that adjustments can be made before the floor debate, the Rules members sit in review and informally report their findings on the performance to other House Members somewhat like the theater critic does for the playgoer.

The growth of subcommittee government in the 1970's made the dress rehearsal function of the Rules Committee more important than ever before. Because legislation is increasingly developed in the relatively isolated environment of the subcommittee, there is a greater need for some reaction to the bill from a fair cross section of the House before it reaches the floor. In addition, subcommittee government has extended the bill managing responsibility to many House Members who are inexperienced in this important task. The trial run at the Rules Committee hearing is especially useful for them. Finally, with the quantity of legislation now handled by the House and the growing demands on the time of House Members, they rely on service of reliable critics on the Rules Committee more than ever before. From the Rules Committee critic, House Members can learn whether the reporting committee has done its job carefully: what strengths and weaknesses exist in the bill; whether consensus has been built on the reporting committee; whether the bill is likely to pass; what amendments will be offered; and when it is likely to be scheduled. The information and opinions the Rules members transmit to their House colleagues can determine the success or failure of the legislation once it reaches the floor.[57]

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[57] Oppenheimer, "The Rules Committee: New Arm of Leadership in a Decentralized House," pp. 105–113.

Lastly, the "field commander" role is played by certain Rules members whose vantage point of the Committee enables them to act as additional sets of eyes and ears for their respective party leaders. They consult with, supply information to, and act on behalf of the leadership. At times they must make party leadership decisions based on their own best judgments. Changes in the House have increased demands on the party leaders as well as on the Members. As field commanders, these Rules members are called upon to share this burden. As one senior member of the Rules Committee observed:

> "Intelligence comes from us to the leadership. Our responsibility is to inform, advise, and execute. We're in charge of the field operation. . . ." [58]

The traffic cop, dress rehearsal, and field commander functions have always been performed to some degree by the Rules Committee, but these functions expanded and took on new emphasis and importance in the House in the 1973–1980 period. Moreover, they illustrate the new ways in which the Rules Committee has emerged as an arm of the leadership. Today its assistance to the leadership goes far beyond simply granting rules that the leadership desires.

## *Chairmen Madden, Delaney, and Bolling*

Between 1973 and 1980, leadership of the Rules Committee changed hands three times. Ray Madden chaired the Committee in the 93rd and 94th Congresses, James Delaney in the 95th, and Richard Bolling in the 96th. Unlike Howard Smith and William Colmer, these chairmen not only cooperated with the leadership but also shared the same general political philosophy. Rarely did they have to go against their personal preferences in scheduling rules desired by the leadership. Yet the three differed significantly in the way they viewed the Rules Committee. Madden, although very party oriented, did little to expand the legislative capacities of the Committee. He opposed the creation of standing subcommittees and an increase in staffing. Only when pressed by his Democratic colleagues during the 1st Session of the 94th Congress to create subcommittees and add staff did he relent, and then only in allowing each member to appoint one staff member. When the issue of broadcasting House floor sessions came before the Rules Committee in 1975, Madden did favor the creation of a subcommittee to study the issue. But it was an "ad hoc," not a standing, subcommittee.

Although Chairman Delaney also held to a rather traditional view of the Rules Committee, he did not stand in the way of changes favored by his Democratic colleagues on the Committee. Thus, at the start of the 95th Congress he supported changing the Committee rules to establish a procedure whereby non-controversial rule requests could be voted on without a hearing, and controversial ones concerning the type of rule but not the substance of the bill could be heard with testimony pertaining only to the rule.[59] During Delaney's chairmanship the Rules Committee established a standing subcommittee, and rapport between the majority and minority on the Committee, which had declined somewhat during the 93rd and 94th Congresses, improved.

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[58] Ibid., p. 104.

After becoming chairman at the start of the 96th Congress in 1979, Richard Bolling began to transform the internal operations of the Rules Committee as well as its position in the House. Throughout his career in the House which began in 1949, Bolling has played an active role in congressional reform and has written extensively about Congress. Thus it is not surprising that Chairman Bolling has done much to change the Rules Committee. Long believing the Committee had neglected its important original jurisdiction responsibilities, Bolling initiated the creation of two standing subcommittees, one on the legislative process and another on the rules of the House. During the 96th Congress, the new subcommittees, which were given staffs, budgets and office space, held hearings and developed legislation on the congressional budget process, sunset legislation, and the legislative veto, among other things. The annual budget of the Rules Committee, as approved by the House, rose from $19,200 in 1978 to $519,000 in 1979,[60] and the staff of the Committee rose from twenty-five to forty. Despite these large increases (due mainly to the subcommittee operations), the Rules Committee budget and staff remained smaller during the 96th Congress than nineteen of the other twenty-one House committees. Yet they enabled the Rules Committee for the first time to pursue actively its matters of original jurisdiction. In addition, under Chairman Bolling, the Committee adopted an elaborate set of Committee rules to clarify previously ambiguous Committee procedures.[61] Finally, during Bolling's chairmanship the Committee's attention to the fine art of crafting rules increased.

## *Matters of Original Jurisdiction*

Changes in the Rules Committee in the 1973-1980 period are clearly reflected in its handling of matters of original jurisdiction. Inadequate staff and financial resources may have hampered the Committee's ability to perform its responsibilities fully during the period of independent cooperation from 1967 to 1972. But as the Committee developed as an arm of the leadership between 1973 to 1980, it was asked to take on a load of important matters and by the end of the decade was initiating more legislation on its own. Prior to 1973, most matters of original jurisdiction were limited to foreign travel requests and to authorizations for committee investigations. There were exceptions—notably the creation of the Committee on Standards of Official Conduct and the Legislative Reorganization Act of 1970—but rarely did the impetus start within the Rules Committee itself. Since 1973, there has been a marked increase in the importance, if not the number, of original jurisdiction matters the Rules Committee has handled.

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[59] The rules of the Committee for the 95th Congress appear in the *Congressional Record,* Feb. 2, 1977, p. H853.

[60] *Congressional Quarterly Weekly Report,* March 31, 1979, p. 584.

[61] The rules of the Committee for the 96th Congress appear at the end of the first chapter.

In the 93rd Congress, aside from the Rules Committee's work on H. Res. 988 (Rules had first considered the legislation that created the House Select Committee on Committees, and as noted earlier, two of its members, Richard Bolling and David Martin, served as chairman and vice chairman respectively of the Select Committee), the Rules Committee played a significant role in the formation of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344).[62] This act, which established the congressional budget process and placed reins on the President's ability to impound appropriated funds, was perhaps the most significant step the Congress took in the 1970's to reassert its "power of the purse." Although the groundwork for this legislation had been completed by the Joint [Study] Committee on Budget Control, the Rules Committee made a substantial mark on the legislation. The Speaker referred the study committee's bill to the Rules Committee. Among the important changes the Rules Committee made were: replacing spending ceilings with targets, attaching the impoundment provision to win the support of liberals, including a deadline for the enactment of new authorizations, and establishing sixteen functional budget categories to help Congress establish spending priorities. These changes were critical to the substance of the budget as well as to the overwhelming floor vote for its passage.[63] The requirements of the budget act also affected the Rules Committee. Frequently it must consider waivers of various provisions of the act in granting rules to legislation and it sometimes finds itself serving as a broker between legislative committees and the House Budget Committee.

The 94th Congress found the Rules Committee again involved in important matters of original jurisdiction. In February 1975 it reported a bill to establish a Select Committee on Intelligence (H. Res. 138). When the Intelligence Committee became deadlocked, the Rules Committee cooperated with the leadership in trying to resolve the conflict. Because of the importance of the work required of the

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[62] See Davidson and Oleszek, *Congress Against Itself.*

[63] Joel Havemann, *Congress and the Budget* (Bloomington, Ind.: Indiana University Press, 1978), pp. 29-33.

Select Committee, the Rules Committee finally reported legislation dissolving the original one and creating a new Select Committee.

Later in the 1st Session, the Rules Committee began work on proposals to broadcast House floor proceedings. Recommendations to begin broadcasting had come from the Joint Committee on Congressional Operations. After hearings on April 16, 1975, it became apparent that the broadcasting issue was a complex one, and in a subsequent meeting the Rules Committee voted to establish an Ad Hoc Subcommittee on Broadcasting. The subcommittee, chaired by B. F. Sisk, included Democrats Claude Pepper (Fla.), Morgan Murphy (Ill.) and Andrew Young (Ga.) and Republicans John Anderson (Ill.) and Del Clawson (Cal.). It held hearings and developed its own broadcasting legislation, H. Res. 875, which called for the House to contract with a network pool to broadcast coverage of floor proceedings. In March 1976 the full Committee, by a 9–4 vote, recommitted the resolution to the ad hoc subcommittee where additional work was done. This cautious position by the Rules Committee accurately reflected the stance of the House leadership, which did not wish to proceed with broadcasting until a variety of issues about its operation were resolved.

In the 95th Congress the broadcasting issue re-emerged. Following tests of a closed-circuit television system and additional hearings, the Rules Committee reported to the House a broadcasting resolution that placed much of the responsibility for implementing House television coverage in the hands of the Speaker.[64] The Subcommittee on the Rules and Organization of the House, chaired by Gillis Long (La.), held hearings and briefings on broadcasting as required under the resolution. It investigated and reported on the experience of broadcasting other legislative bodies in an effort to ensure that the system, once operational in the House, would not interfere with the normal course of legislative business.[65] Television coverage of the House did not begin until early in the 96th Congress after the key decision was made to place television cameras under the control of the House.

Broadcasting was far from the only matter of original jurisdiction the Rules Committee dealt with in the 95th Congress. The Long Subcommittee originally began as an Ad Hoc Subcommittee on Select Committees. Its three members, Congressmen Long, John Joseph Moakley (D-Mass.), and Trent Lott (R-Miss.), were assigned the task of developing guidelines to control the proliferation of select committees and to sort through requests for new select committees that were pending before the Rules Committee. Upon completion of these duties, the subcommittee was enlarged and made permanent. The primary responsibility of the new Subcommittee on Rules and Organization of the House was matters of original jurisdiction. Aside from the boadcasting issue, the subcommittee worked on the recommendations of the House Commission on Administrative Review, known as the Obey Commission after its chairman, David Obey (D-Wis.). In hearings and markup, it tried to untangle the jurisdictional and partisan differences over the Commission's recommendations before reporting the resolution. Despite these efforts, the House defeated the legislation when it failed to adopt the rule providing for its consideration.

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[64] See H. Res. 866 and H. Rept. 95–759.

[65] See H. Rept. 95–881.

In addition, the subcommittee began work on legislation to establish the public debt limit as part of the concurrent budget resolutions; thus freeing the House from a series of separate votes on debt limit changes and tying consideration of the debt to other budget decisions thereby ensuring that it would receive better substantive focus. In 1980 such a provision went into effect.

The creation of two standing subcommittees at the start of the 96th Congress—Legislative Process and Rules of the House—enabled the Rules Committee to handle matters of original jurisdiction more systematically and effectively. The growth of committee staff, budget, and space made the Rules Committee's increased attention to bills within its purview possible. By 1980 the Committee was able to initiate original jurisdiction activities on its own rather than react, as in the past, largely to demands coming from elsewhere.

## *The "Loyal Opposition"*

The 1973–1980 period also witnessed substantial changes in the role played by the minority members of the Rules Committee. The Republicans, even when united, rarely provided the critical margin on rule-granting decisions unless an issue badly split House Democrats. The Republicans' inability to sway most crucial votes is not surprising given the Democratic margin on the Committee, the majority's members strong party identifications, and the chairman's view of the Committee as a party leadership vehicle. Faced with this situation, the minority sought other avenues of influence. Prime among them was serving as the "loyal opposition" in other words, engaging in activities that protected the minority and ensured that its legislative alternatives were presented. Thus, Republicans on Rules urged their colleagues in the House to come before the Committee to testify on rule requests and to publicize Republican alternatives. In the crafting of rules Republicans bargained for the offering of Republican amendments and for minimal restrictions on floor debate. When the results were not satisfactory, they used the debate on the rule to publicize further the minority's position and occasionally to make a serious effort to defeat the committee's proposal on the floor.

In many ways, as the Committee's majority became more partisan doing this period, so did the minority. As the ranking minority member on the Rules Committee, James Quillen (Tenn.) continued the practice of serving on the Republican Policy Committee and as a formal member of the Republican leadership.

Unlike the Democratic members who, since 1975, with one exception, were prohibited from serving on a second standing committee, several of the Republicans on the Rules Committee in the late 1970's were able to maintain positions on other committees. At the start of the 96th Congress, Rules members Delbert Latta (Ohio) served as the ranking majority member on the House Budget Committee and Robert Bauman (Md.) served on the Merchant Marine and Fisheries Committee. These additional assignments may compensate for some of the frustration that comes with being a minority member on Rules.

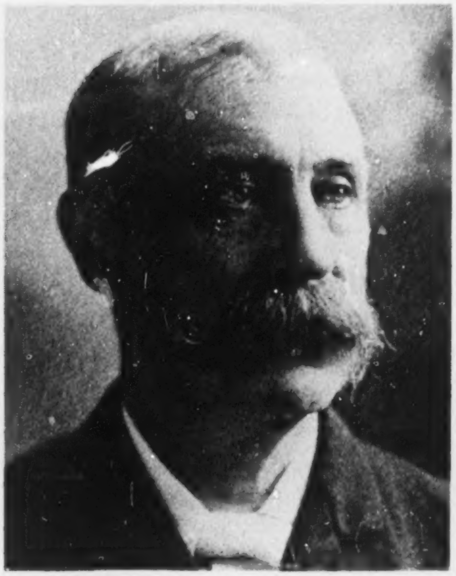
In part, however, the growing concern with the crafting of complex rules and the increasing attention to matters of original jurisdiction has given the minority an added purpose on the Committee. Although decisions on the scheduling and granting of rule requests may be a highly partisan activity, some of the work on rule design and original jurisdiction may provide more useful opportunities for the minority to influence the course of the House. In this context it is interesting to note James Quillen's support for Chairman Bolling's efforts to expand the resources of the Rules Committee.

## *Summary*

The Rules Committee's influence in the House changed significantly between 1973 and 1980. Occasionally it exercised "negative power" to deny a rule request or bargain for a change in the substance of legislation. But its influence primarily was derived from its ability to help manage the House—assisting the leadership in scheduling and writing complex rules, examining the rules and procedures of the House more carefully, working on problems affecting Congress, the President, and the federal bureaucracy. As an arm of the leadership, it remained one of the few sources of central control in an otherwise increasingly decentralized House.

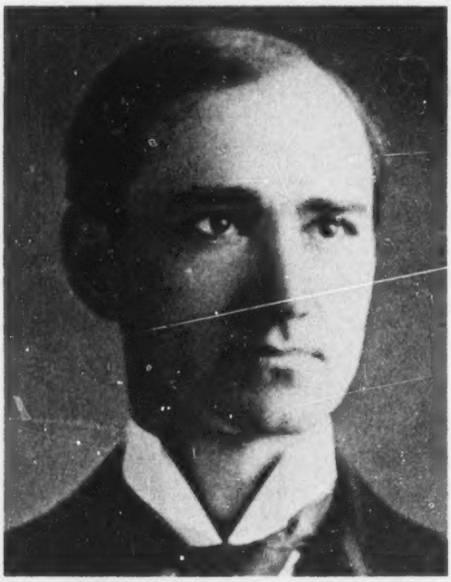
This transformation in the internal workings of the Rules Committee as well as its role in the congressional process is ongoing. The changes in the Committee since 1961 have produced an instrument of party leadership and party government, but an instrument very different from the pre-1910 Rules Committee. In a far more complex House of Representatives than existed in Speaker Cannon's day, the responsibilities of the Rules Committee have become correspondingly more complex. The Rules Committee is no longer a simple whip for the Speaker to crack. Rather it has become a more elaborate mechanism working with the party leadership to ensure orderly procedures in the active and complicated world of the House of Representatives in late twentieth-century America.

## Selected Members of the Rules Committee Who Have Served in Other Elective or Appointive Positions



**Joseph C. Blackburn** (D., Ky.)
United States Senator 1885–1897
Minority Leader of the Senate 1906–1907
Governor of the Canal Zone, Isthmus of Panama 1907–1909

**Oscar W. Underwood** (D., Ala.)
House Majority Leader 1911–1915
United States Senator 1915–1927
Senate Minority Leader 1920–1923



**Finis J. Garrett** (D., Tenn.)
House Minority Leader 1923–1929
Judge of the U.S. Court of Customs and Patent Appeals (Presiding Judge) 1929–1937

**Wallace H. White, Jr.** (R., Me.)
United States Senator 1931–1949
Senate Minority Leader 1945–1947
Senate Majority Leader 1947–1949

**Charles A. Halleck** (R., Ind.)
House Majority Leader 1947–1949
House Minority Leader 1953–1955 and 1959–1965

**Hugh D. Scott, Jr.** (R., Pa.)
Chairman, Republican National Committee 1948–1949
United States Senator 1959–1977
Senate Minority Whip 1969
Senate Minority Leader 1969–1977

# CONCLUSION

## From the Past to the Future

The House Committee on Rules has changed dramatically during its more than 190-year history. At first it was a simple ad hoc committee, meeting briefly at the beginning of each Congress and sometimes not at all. And although it has been a standing committee since 1880, the Rules Committee today is a far more complex entity than it was a century ago. When the House is in session it meets two or three times a week, has two permanent subcommittees, and requires a substantial staff and budget to process an ever increasing workload. The number of members on the committee, although always small, has varied over the years—eleven initially, five in its first three decades as a standing committee, and sixteen in recent Congresses. The Committee's primary responsibilities—original jurisdiction over the rules of the House and, since the late 19th century, the scheduling of legislation for floor action—have expanded greatly as the work of the House has grown.

In addition to the growth of House business, other factors have affected the functioning of the Rules Committee. These include elections, the operation of political parties, the skill of House and Rules Committee leaders, changes in legislative issues, and demands in the broader American social and political environment. At times these factors have meshed to give the Rules Committee substantial power in the legislative process. Most often this has occurred in cooperation with influential House leaders like Speakers Thomas B. Reed, Charles Frederick Crisp, and Joseph G. Cannon prior to 1910 or Joseph William Martin, Jr., in the 80th Congress and Thomas P. O'Neill, Jr. in recent years. But the Committee also exerted great influence during periods when it behaved independently of majority party leaders, especially from 1955 to 1966 when Howard W. Smith of Virginia was chairman.

The power of the Committee has not been constant. Through the past century it has swung on a pendulum, albeit a slow-moving one. At times, when the House has had difficulty in managing itself, the Committee's influence has grown. At other times, when a majority of House Members have reacted to the Committee's interference with their prerogatives either as individuals or as a collectivity the Committee has been eventually restrained. Thus, in the 1880's, when obstructionism on the House floor and the inability to establish legislative priorities on a crowded calendar immobilized the House, the Rules Committee and the Speaker were given substantial authority to impose some level of order on the organizational chaos. By 1910, a majority of House Members felt the Committee's authority had stretched too far. Consequently, devices such as the discharge petition and Calendar Wednesday procedure, as well as expansion of the Committee's membership and the removal of the Speaker as a member, were implemented to make the Rules Committee more responsive to a majority of House Members. The Committee continued to perform its prime functions, but its control over those functions was diminished. Not surprisingly, membership on the Rules Committee, while still an important assignment, may have slipped somewhat in value in succeeding Congresses.

When a split in the Democratic Party developed in the late 1930's, the Rules Committee was given another opportunity to demonstrate its power in the House. Because of its strategic position in the legislative process and its preponderance of southern Democratic Members, the Committee became the stronghold of conservatism in the Congress. During this time the Committee developed as the primary vehicle for leadership of the cross-party conservative coalition. And although there were interruptions in the Committee's influence, such as in the 81st Congress (1949–1951) when the 21-Day Rule was in place, its power was not seriously challenged until a House majority was formed in 1961 to expand the Committee's membership. Not until the early 1970's did the Committee again become a reliable arm of the majority party leadership as it had been in 1910.

Finally, in reaction to the development and abuses of subcommittee government in the early and mid-1970's, the Rules Committee's power as an arm of the majority party leadership grew once again. The Committee has been called upon to address new management problems confronting the House. Not only has its influence been felt in areas of original jurisdiction such as the formulation of the Congressional Budget Act of 1974, the establishment of a system to broadcast House floor proceedings, and the creation of a House Intelligence Committee, but increasingly a majority of House Members, reluctantly in some cases, have been willing to allow the Rules Committee to structure, focus, and limit floor debate and the amending process. And the complex rules, which were rarely reported by the Committee in 1974 and were highly controversial, now are presented more frequently. Although such rules spark some opposition, they have received increasing acceptance. Thus, the Committee continues to attempt to preserve the right of the majority to rule without destroying the minority's legislative rights.

During these last two periods of Rules Committee ascendancy, Rules membership has been valued highly. Unlike the two decades following the 1910 revolt against Cannonism when Members resigned from Rules to accept other committee assignments and chairmanships (see appendix-Table 6), Members have left Rules for other committees only rarely. In fact, no one has done so since Christian Herter moved to the Foreign Affairs Committee in 1951. Though the power and prestige of the Committee has fluctuated since the late 1930's, it has done so in relative terms, never dipping to a point where a significant number of Members sought assignments elsewhere in the House.

Throughout the history of the Committee on Rules several questions have continually been raised about its operations. The most important of these relates to the relationship between the Committee and House political party organizations and their leaders. Except during specific periods, it has been generally maintained and accepted that the Committee should serve as a majority party vehicle in the operation of the House even though its status is as an independent standing committee. The majority party is responsible for presenting and managing a legislative program. Therefore, if it is to be held accountable for that program, it must be allowed to maintain control of the scheduling and movement of legislation to the floor and the terms under which bills are considered. The minority party should not be without influence in such determinations, but it should not possess the capacity to obstruct or veto the Committee's scheduling function.

Generally this reasoning has been accepted. It was clearly recognized during the 1880–1910 period when the Speaker chaired the Committee. As described in Chapter II, Committee decisions were made in informal meetings by the Speaker and two senior House colleagues whom he had appointed to serve as the Committee's majority. Then he would inform the two minority members (which usually included the minority leader) of the latest "outrage" that the majority had perpetrated. Even when the abuses of this process led to an enlarged, more geographically representative committee, the primacy of the majority party in Rules decisionmaking was maintained. For several Congresses following the 1910 revolt and during much of Woodrow Wilson's Presidency, the Rules Committee responded to the will of the Democratic Caucus and Majority Leader Oscar Underwood, instead of to the Speaker. Later, when the Republicans returned to the majority status to 1919, a steering committee of Republican leaders, which included the Rules chairman, directed decisionmaking on the Committee.

Though the minority party has complained when procedures seemed unfair, it usually has not actively sought to undermine the majority's authority in managing the House. As was discussed in Chapter III, the Democratic minority on Rules in the 66th and 67th Congresses (1919–1923) often provided the necessary members for a Rules Committee quorum even though they opposed the legislation the Republicans wished to report. By absenting themselves, the Democrats could have easily delayed the movement of the legislation. But they recognized, as the Republicans had in previous Democratic Congresses, the right of the majority to set the legislative agenda in a relatively unencumbered manner.

The unusual status of the majority party on the Rules Committee also has been recognized since 1910 in the determination of [illegible] party membership ratio. Even when one party has held a bare House majority (as in the 65th, 72nd, and 83rd Congresses among others), the majority has maintained at least a two-to-one advantage on the Rules Committee since 1917.[1] The exact size of this ratio may be the subject of debate. For example, at the start of the 97th Congress, the Republicans tried unsuccessfully to reduce the eleven-to-five Democratic advantage back to a two-to-one ratio.[2] But it is clear that party responsibility in Rules Committee activity has been recognized in the membership ratio to an extent greater than on any other standing committee. In commenting on the functions of the Rules Committee during the 77th Congress, Earl Michener, then a member of the Committee's Republican minority, linked the role of the Committee in the House with the sizeable advantage given the majority party in terms of membership:

> . . . one of the principal functions of the Rules Committee is to make it possible for the party in power to carry out its legislative program; that is, the party in power was elected by the people of the country on a specific program, and it seems but fair that some agencies should exist in the House to permit the party in power to carry out its policies and keep its pledges. For this reason there are at the present time four Republicans on the Rules Committee and ten Democrats, a very safe political majority.[3]

Thus, the special party-related purpose of the Rules Committee has been generally accepted. But difficult questions remain. Does committee membership entail, or should it entail, some sacrifice of independence in the management of the party's legislative program? To what degree should Rules Committee members act as agents of their party in the performance of the committee's functions or as independent members representing the constituencies that elected them? Except when the Committee is making decisions on matters of original jurisdiction, its functions are primarily procedural not legislative unlike the other standing committees. Yet procedural decisions often affect substantive legislative outcomes as we have seen in this history. Thus, when faced with conflicting interests, whom should Rules Committee members represent—their parties, their constituencies, their individual consciences? The dilemma of representation is not resolved easily and has, at times, been a source of conflict for and criticism of the Committee and its members. Although this tension over the representation issue perhaps was felt most acutely by Southern Democrats during the heyday of the Committee's conservative coalition between 1937 and 1960, it has been a concern of most Rules members at some point or other.

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[1] There was one exception. In the Democratic 78th Congress (1943–1945) the Rules Committee was composed of nine Democrats and five Republicans less than a two-to-one majority.

[2] *Congressional Record*, daily edition (97th Congress, 1st Session), January 5, 1981, p. H19.

[3] *Congressional Record*, vol. 87 (77th Congress, 1st Session), November 24, 1941, p. 9063.

Like members of the other House committees, Rules Committee members receive their committee assignments from their parties or party officials. Since 1910 the House has formally elected the respective party committee assignment slates. Thus, in recent years, the argument has been made that committee members have the responsibility to report legislation (and, in the case of the Rules Committee, a particular rule), if a majority of their party members wish it to be considered on the House floor.[4] This obviously stops considerably short of the notion that the party can act to bind members' floor votes, a common practice during Underwood's leadership from 1911 to 1914.

But beyond this, assignment to the Rules Committee usually has been treated differently than assignment to most other committees. For more than fifty years, the parties have placed special restrictions on Rules Committee membership. Rules members either formally or informally have been prohibited from chairing other House standing committees. In 1947 Earl Michener was forced to choose between chairing the House Judiciary Committee and retaining his seat on Rules. For several decades, Democratic Rules members, except in a relatively few special circumstances, have been precluded from even serving on other House standing committees. Moreover, Rules Republicans tend to limit service on other committees to brief periods and usually to minor committees.[5] Therefore, the virtually exclusive nature of Rules Committee membership, like membership on the Appropriations and Ways and Means Committees, set it apart.

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[4] In 1975, for example, the House Democratic Caucus instructed Democratic members of the Rules Committee to make in order certain amendments on oil depletion in the rule on a tax bill.

[5] One major exception was Delbert Latta (R–Ohio), who served as the ranking minority member on the House Budget Committee from the 94th to the 97th Congress.

Second, the manner of selecting Rules Committee members places an additional claim by party organizations and leaders on the Committee. Technically, Rules Committee assignments were made no differently than assignments to most other House committees, between 1910 and 1975; they were usually made through the Democratic and Republican committee assignment mechanisms, that is, by the Democratic members of the Ways and Means Committee who constituted the Democratic Committee on Committees and by the Republican Committee on Committees. But, in fact, Members who have served on the Rules Committee, when asked about their appointments, consistently indicate the significant role their party leaders had in appointing them. (The influence of Democratic Party leaders in the recruitment of their party's members on the Rules Committee may have been marginally greater than for their Republican counterparts).[6] Rules Committee assignments have involved far greater leadership participation than have assignments to other committees. Further, it appears that no Member opposed by the party leadership has been appointed to Rules since the 73rd Congress (1933–1935). In that case Howard W. Smith was placed on the Rules Committee over the opposition of Speaker Henry Rainey and as a concession to the losing side in the leadership contests.[7] In a 1971 interview, then-majority whip Thomas P. O'Neill, Jr., explained the process: "In the event that a vacancy occurs, the Speaker probably would say to Hale [Boggs (D-La.), the majority leader] and me, 'I have in mind so-and-so for the job. What do you fellows think of him?' And that is it!" [8] The appointment would be routinely approved by the Democratic Committee on Committees and the caucus.

In 1975 the Democratic Caucus voted to give the Speaker the power to appoint all Democratic members of the Rules Committee, subject to caucus approval. This decision formally recognized the Speaker's great influence in the appointment process and placed the responsibility more firmly in his hands. (See Chapter V for a more elaborate discussion of this change). The Republicans, as yet, have not adopted a similar practice of giving the minority leader the power to appoint Republican members of Rules, but this may simply reflect the lesser importance of Rules Committee membership for the minority party. [In both the 80th and 83rd Republican Congresses (1947–1949, 1953–1955), Republican leaders closely supervised the operation of the Rules Committee and the appointment of new members.]

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[6] Matsunaga and Chen, *Rulemakers of the House*, pp. 54–56.
[7] Robinson, *The House Rules Committee*, p. 82.
[8] Matsunaga and Chen, *Rulemakers of the House*, pp. 52–53.

Thus, the substantial involvement of party leaders in the recruitment of Rules Committee members further indicates the special nature of the Committee, the distinct role of party on the Rules Committee, and the need for Rules members to be more accountable to party leaders than the members of other committees. This unique responsibility of Rules Committee membership has been recognized and broadly accepted. It would be difficult to identify a Rules member who served on the Committee for any significant period of time who did not vote to report a rule on legislation to which he or she was personally opposed when the legislation was part of the party's program or when the party leadership requested the member's support. Conversely, the same could be said regarding decisions to deny a rule on legislation the member might favor. At various points in this history, there is evidence supporting this conclusion, even from those such as Edward Cox, Howard Smith, and William Colmer, who were notable because of their opposition to party leaders.

The question, therefore, has not been whether Rules members have a special responsibility to their party and its leaders, but what the extent of that responsibility should be. How much influence should party leaders exert in Rules Committee decisions? Under what conditions should Rules Committee members be permitted to act independently? And does Rules Committee membership place an individual in the party leadership?

There have been no simple answers to these questions. Rules members and party leaders have operated as a cohesive unit at certain times and seemingly independently at others. From 1880 to 1910, when the Speaker chaired the five-member Committee and appointed its members, party leadership and Rules membership were inextricably linked. After 1910, the Committee was larger and more geographically and ideologically diverse. Formal party leaders no longer served on it. Yet, there was little conflict between decisions and goals of the majority party. If Rules Committee members viewed themselves as independent of party responsibility this was not reflected in the Committee's decisions. The major ideological split was between the regulars and the insurgents in the Republican Party (the minority party in the House from 1911 to 1919) and not within the majority party itself. By the time the Republicans regained control of the House in the 66th Congress (1919–1921), many of the insurgents had rejoined the ranks of the party regulars. Thus, the independence of Rules Committee members was not a serious issue, at least prior to the New Deal. Conflicts, to the degree that they arose at all, centered on the Committee's decisions to report legislation that the majority party leadership did not wish to bring to the House floor. This controversy is best illustrated by the struggles surrounding changes in the discharge petition requirements, which made it easier for bipartisan or nonpartisan forces to bring a bill to the floor for consideration. Although the special nature of the Rules Committee and its ties with the party leadership may have been abused at times both when Democrats and Republicans were in the majority—there was little argument about its purpose as a majority party vehicle prior to 1937. This unique responsibility of the Rules Committee was recognized by the leaders of both parties. In explaining the Committee's function during the 71st Congress, then Chairman Bertrand Snell put it most clearly:

> If I understand the function of the Rules Committee of the House, it is to act in harmony with the majority sentiment of the majority of the House of Representatives. It is to act in coordination and harmony with the steering committee of the House. It is the duty of the Rules, as I understand it, to act, as far as possible, for the protection of the administration and the administration program of legislation. If I am wrong in that assumption then I do not understand the rules nor the reason for having a Rules Committee in the House.[9]

And at the start of the 74th Congress, Rules Chairman John O'Connor reiterated the theme.

> To some of you new members I might state in advance that the Rules Committee is an arm of the leadership of this House. It is sometimes called an "arm" of the administration in power in the Nation. Some people have also referred to it as the "political committee," or the committee which shapes or brings before the House the policies of the leadership of the House and the administration.[10]

Of course, the minority could regularly object to the way in which the majority party on Rules chose to carry out these functions. But that occurred largely in the minority party's capacity as a loyal opposition. By the very nature of the Committee's functions, the Rules Committee's majority restricted the floor options available to the minority party. Whichever party happened to be the minority there were frequent complaints about the use of "gag rules" and other limitations on floor activity.

It was only in the period between 1937 and 1966 that some Rules members challenged seriously the traditional role of the Committee in the House and their responsibility as members to their respective parties. They claimed that their responsibility to the House as a whole and to their constituencies came before their responsibility to their political party, its House Members, its President, and its House leadership. This assertion of independence from the party line occurred during a period of deep divisions within the Democratic Party. A majority of southern Democrats simply could not support positions taken by a majority of House Democrats on labor, social-welfare, and civil rights legislation. Nor could they go along with Democratic Presidents and Presidential candidates on these issues. These southern conservatives were a substantial minority among House Democrats and were generally overrepresented on the Rules Committee, at least until 1955 in terms of numbers, and throughout the period in terms of influence.

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[9] *Congressional Record,* vol. 74 (71st Congress, 3rd Session), January 31, 1931, p. 3700 as quoted in—Lapham, *Party Leadership and the House Committee on Rules, p. 48.*

[10] *Congressional Record,* vol. 79 (74th Congress, 1st Session), January 3, 1935, p. 13 as quoted in Lapham, *Party Leadership and the House Committee on Rules,* p. 76.

Because of its strategic position in the congressional process, the Rules Committee became the obvious vehicle for exercising conservative influence. But to do so meant southern Democrats such as Cox, Smith, Clark, and Colmer had to alter the traditionally accepted party responsibility of Rules membership. In this sense, this period of bipartisan conservative dominance of the Rules Committee should be viewed as an anomaly when contrasted with the remainder of the Committee's history. Only if the Republicans had maintained control of the House following the 1910 election might a similar period of bipartisan control have occurred.

Why then did the House Democratic Party tolerate the independence of the southern Democrats on the Rules Committee for so long? First, the Democratic leadership had the resources necessary to sidestep the Rules Committee on crucial matters in the 75th (1937–1939) and 81st (1949–1951) Congresses. In the former, the enormous Democratic floor majority was able to discharge the Rules Committee, and ensured sufficient majority control. In the latter, the 21-Day Rule was available. In two other Congresses the 80th (1947–1949) and 83rd (1953–1955), the Republicans were in the majority and returned the Committee to a close working relationship with the majority party leadership. Under these circumstances, the actions of the southern Democrats on Rules rarely controlled Committee decisionmaking.

Second, during much of the period between 1937 and 1966, the bipartisan conservative coalition on Rules was not the only obstacle the Democratic Party and its leaders faced in the congressional process. Often the coalition possessed a working majority on important legislative committees, on the floor of the House or Senate, or from 1953 to 1960, in the executive branch. Thus, the Rules Committee, in failing to grant rules to legislation desired by a majority of House Democrats, represented but one of many vetoes in the process. Defeat for the Democratic leadership in the Rules Committee merely preempted an eventual defeat elsewhere. Under such conditions, Democratic House leaders could easily question the wisdom of disciplining its Rules Committee members and thus losing what residual cooperation still existed. Even following the 1958 election, Speaker Rayburn remained reluctant to challenge the Committee. He preferred bargaining for needed votes on the Rules Committee to widening the split between House Democrats. Thus until 1961, without a majority in the congressional process, it may have proved easier to tolerate the status quo on the Rules Committee.

Third, some House Democrats, recognizing the power of the Rules Committee, were reluctant to challenge it. For example, committee chairmen in the 81st Congress were reluctant to employ the 21-Day Rule to free legislation from the Rules Committee. They recognized quite properly that there would be other times when they would need requests processed by the Rules Committee and other Congresses when a 21-Day Rule might not be available. For these reasons, many were willing to tolerate the independent behavior of some Rules members.[11]

Finally, the simple fact remains that a major political party was critically split to an extent unequaled since the Civil War. The independence of Rules Committee Democrats merely reflected the political and social climate of the times. When such a split exists, it is not surprising that a variety of party mechanisms will not function as efficiently or effectively as when the party is cohesive. After the 1960 election, the Rules Committee became the major obstacle to the establishment of a new Democratic majority. Then, the independence of the Committee's southern conservatives and the arbitrary exercise of power by Rules Chairman Howard Smith were not tolerated by House Democratic leaders. Their confrontation with Judge Smith in the 1960's resulted in greater party unity among House Democrats and a broadening of Democratic Party strength outside the South. Moreover, the growth of southern Republican strength made inroads in the influence of southern Democrats in the House. In this changing social and political environment, the conservative coalition on Rules found it increasingly difficult, especially after the 1964 election, to substantiate its claim of responding to a bipartisan political majority. It required the passage of time and the election of new members to the Committee before Rules was firmly reestablished as a majority leadership vehicle in the early 1970s. And it has required additional time for party leaders and Rules members to adjust to those changes.

## The Committee in the 97th Congress

By the 97th Congress (1981–1983), the ties between Rules Committee members and majority and minority party leaders were more interwoven and complex than at any time since 1910. In the 1970's Rules members were recruited as candidates and served in a wide range of party leadership positions. "Tip" O'Neill became majority whip in 1971, majority leader in 1973, and Speaker of the House in 1977. John Anderson served as chairman of the House Republican Conference from 1969 to 1979. And Richard Bolling and B. F. Sisk were candidates for Democratic party leadership posts during the decade. The ranking Republican on Rules continued as a formal member of the Republican leadership and as a member of the Republican Policy Committee. Moreover, in every Congress since 1971, at least two other Rules Republicans have served on the House Republican Policy Committee. In the 95th Congress Delbert Latta chaired the Policy Committee; in the 96th Congress Trent Lott served on the Policy Committee because he was chairman of the Republican Research Committee. All five Republicans on the Rules Committee in the 97th Congress held a party leadership or leadership related role, and a record number, four were members of the Policy Committee. James Quillen, the ranking minority member, continued on the Policy Committee. Delbert Latta, a member of the Policy Committee, was the Ohio Republican on the Committee on Committees, and as ranking minority member on the House Budget Committee was in an unofficial leadership position. Trent Lott was elected minority whip at the start of the 97th Congress, therefore he served on the Policy Committee.[12] He also served on the National Republican Congressional Campaign Committee, as did Gene Taylor. The junior Rules Republican was former minority leader John Rhodes, a member of the Policy Committee and the Campaign Committee, and an informal member of the leadership.

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[11] See Lapham, *Party Leadership and the House Committee on Rules*, Chapters VIII and IX.

Similarly, many Rules Democrats held important party leadership positions in the 97th Congress. At the start of the Congress, the Democratic Caucus voted to make the chairmen of the Rules, Ways and Means, Appropriations and Budget Committees members of the Steering and Policy Committee. This served to formalize Richard Bolling's longstanding role as an informal member of the party leadership and formalize that role for future Democratic Rules chairmen. He was joined on the Steering and Policy Committee by Rules Democrats Gillis Long and John Joseph Moakley. Long's position on the Steering and Policy Committee resulted from his election as Democratic Caucus Chairman. He was therefore an ex-officio member of the Democratic Congressional Campaign Committee. Moakley, as a deputy whip, was also a member of the leadership. He chaired the party's Personnel Committee. Two other Rules Democrats also were part of the majority whip organization. Martin Frost and David E. Bonior were at-large whips, and Tony Beilenson was an assistant whip.

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[12] From 1968 through 1972 Trent Lott was the administrative assistant to the former Chairman of the Rules Committee, William M. Colmer, a Democrat from the fifth district of Mississippi. After Mr. Colmer announced that he would not seek reelection to the 93rd Congress, Mr. Lott successfully campaigned for election to Congress as a Republican from the fifth district of Mississippi, and took his seat on January 3, 1973.

In addition, Democratic members were able to chair special, select, and joint committees. Richard Bolling chaired the Select Committee on Committees of the 93rd Congress as well as the Joint Economic Committee in the 95th. Claude Pepper chaired the Select Committee on Aging in the 95th, 96th and 97th Congresses. Leo Zeferetti (D-N.Y.) chaired the Select Committee on Narcotics in the 97th Congress. In the 95th and 96th Congresses, Shirley Chisholm (D-N.Y.) served as Secretary of the Democratic Caucus.

To a greater extent than members of either Ways and Means or Appropriations—the other "exclusive" House committees—the members of the House Rules Committee in the 97th Congress were members of their respective House party leadership and organizational structures. In only a few cases was a party position specifically reserved for a Rules Committee member. In most cases it reflected the fact that Rules members have either successfully sought or been recruited to fill positions of party leadership and responsibility. This, in turn, says something about the capabilities of Rules Committee members as judged by their House colleagues, the value of Rules Committee experience as a stepping stone to positions of leadership in the House and/or the significance of ties between the Rules Committee and House political party organizations.

At no time since 1910 has the linkage between the Rules Committee and party organizations in the House been so strong. Once again the Rules Committee is operating as a firm arm of the party leadership as it has through most of its history. The Committee's majority is concerned with the orderly scheduling of its party's legislative program and using the rule-writing function to protect legislation from obstruction by a political minority in the House. This does not mean that the majority on Rules ignores the right of the minority. Majority members may one day be in the minority. Thus, it is in their best interest to give the minority opportunities to offer alternatives to majority party programs. The leadership responsibility of the majority on Rules, however, goes beyond merely protecting its party's legislative program against obstruction by the minority. More importantly, it involves numerous judgments about the centrality of a piece of legislation to the party's overall program, evaluations of the majority on the reporting committee and the ability of its bill managers to direct the given legislation on the floor, and estimations about the legislation's level of controversy and chances of success. The majority also must judge how much time a bill will take on the floor. At a time when House sessions begin in January and end in December and during which floor time is not unlimited, the range of factors that enter into Rules majority decisionmaking calculus is both intensive and complex.

Although the minority party on Rules plays a lesser role than the majority, it also exercises leadership responsibilities. First, it is charged with protecting the rights of the minority party in the House from abuses by the majority party. What the majority considers obstruction often will be defined by the minority as within its legitimate rights. For the Rules minority, this responsibility includes a variety of activities. First, they must ensure that the normal prerogatives of the minority were protected on the committee that is requesting a rule. (Were hearings held? Were a full range of witnesses heard? Did the mark up allow for votes on minority positions?) Then, in the Rules Committee itself, they must protect the right of minority party witnesses to be heard. The responsibilities of the Rules minority include negotiating with the Rules majority in the writing of rules to provide the minority with adequate opportunity to make its case on the House floor and provide for debate and votes on controversial provisions. And when the minority is not satisfied with the rule granted, the Rules minority floor manager often fights to either defeat the rule or defeat the previous question and subsequently propose a minority-sponsored substitute rule. Moreover, at a period when floor time is becoming a precious commodity and the majority seeks to use rules to place constraints on floor activity, the Rules minority guards against what it perceives as unreasonable restrictions on floor consideration of legislation.

Naturally, the minority is at a disadvantage, especially in Committee decisions where it is badly outnumbered. Most Rules battles are won by the majority as long as it maintains substantial party cohesion in the Committee and on the House floor. In an era when intra-party differences are small relative to inter-party differences, this is to be expected. Under such conditions, the Rules Committee majority, like any group of organizational leaders, needs primarily to internalize the sentiment of its broader House membership in reaching its decisions. An effective Rules minority remains ready to take advantage of the majority's failure or inability to reflect this sentiment on a given issue or set of issues.

Obviously, the performance of these party leadership responsibilities by the majority and minority on the Rules Committee inevitably involves a certain amount of conflict. This has always been the case, although the potential for conflict—given the strains and stresses under which the Rules Committee and the Congress must operate today—may be substantially higher now than in earlier eras. The workload has increased, the Committee meets more frequently, and its decisions are more complex and the respites shorter. Yet despite the partisanship of its members and the innate conflict surrounding its decisions, the Rules Committee has operated harmoniously in recent years. A number of explanations may be offered for this.

First, environmental constraints certainly have an impact. The intimate environment within which the Committee works and the frequency with which its members must interact may serve to keep policy differences from becoming personal ones as well. The fact that the Committee handles a variety of legislation and rarely dwells on a single bill for a long period may mean that members' differences are not constantly reinforced. Finally, the House Members who seek and/or are selected to serve on Rules may be individuals particularly well suited to partisanship without personal rancor.

Second, the professional goals of Rules members also may contribute to the coexistence of strong partisanship and personal harmony on the Committee. If, as recent career patterns indicate, Rules members are likely to seek leadership positions in the House, success in reaching that goal may require that they demonstrate an ability to act as strong partisans yet maintain rapport with those around them. This is by no means an easy task, and not all Rules members may be totally successful in achieving this delicate balance. But it means that a significant number of members have a personal stake in preventing the Rules Committee from becoming an acrimonious forum.

Last, and perhaps most important, is the fact that Rules Committee members seem to agree on the "strategic premises" for the Committee's operation.[13] The very nature of most of the Committee's work requires that its members behave in a highly partisan manner. As we have seen, membership on Rules and the Committee's functioning are closely linked to party organizations and leaders in the House. Under these circumstances, partisanship is expected, accepted and therefore tolerated at a level which on other committees might lead to personal bitterness. Rules Committee conflicts resemble the struggles between two prize-fighters. The fighters may use whatever skill and resources they have available and may bloody each other during a bout only to embrace and congratulate each other once it has ended. Rules members, like fighters, accept the ground rules. Their duties require them to be partisan but also allow mutual understanding and respect to preclude lingering animosity.

Of course, the Rules Committee is not always a battlefield. Often the majority and minority are able to agree on floor procedure for legislation on which there are strong substantive partisan differences. In this sense they are not the main combatants but only "the seconds," arranging the terms of the floor struggle. Under these conditions it is easy to be a partisan yet behave in a manner a step removed from the impending fights. In addition, when the Rules Committee handles matters of original jurisdiction, conducts hearings and marks up legislation—the partisan flavor may also be reduced. Nevertheless, it is not always easy to separate procedural and substantive decisions either in setting terms for floor debate on a given bill or in altering House rules. The rules of the game often influence the outcome.

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[13] The examination of congressional committees in terms of environmental constraints, members' goals, and strategic premises is set forth by Richard F. Fenno, Jr., in his book *Congressmen in Committees* (Boston, Mass.: Little, Brown & Co. 1973).

## To the Future

Even after a careful examination and analysis of its history, it is difficult to predict with any degree of specification the future of the Committee on Rules. It does seem certain, however, that the Committee will continue to exercise its two primary functions—original jurisdiction over the rules of the House and the scheduling of measures for floor action. And given the ever increasing House workload, it seems likely that these functions will remain central to its effective operation. But beyond this the future course of the Committee is hard to foresee. As in the past, the Rules Committee will respond to changes in the political and social environment. These changes in the past have altered the demands made on Congress, the workings of American political parties, the goals and behavior of the House Members, and the level of decentralization in House decisionmaking. In turn, each of these factors affected the way the Rules Committee functioned. The political and social environment will not remain constant and therefore neither will the Committee on Rules.

But change in the Rules Committee is likely to occur within the institutionalized boundaries established by its history. Its two major functions are so important to the House that "if the Committee on Rules didn't exist, you would have to invent it," or so argue many House Members. Other legislative institutions, such as the Senate and the British House of Commons, have adopted a number of different scheduling and rulemaking procedures, often delegating such powers to their leaders. Still, the Committee on Rules is an integral part of the legislative process within the House of Representatives. And although some scholars, journalists, and House members have periodically proposed abandoning the Committee, drastically altering its size, or reappointing the Speaker to its membership, it seems probable that the Committee's future will closely approximate its immediate past.

The main reason for this is, of course, the Rules Committee's close and continuing involvement with the House leadership. Conceivably a modern day Speaker or Majority Leader might welcome an opportunity to chair a small scheduling committee composed solely of members of his or her own party, or even one with token minority membership. But a majority of the House would have to approve such a change, and it is unlikely that House Members would be willing to give the leadership that much formal authority. Moreover, in their increasingly crowded schedules, almost no Speaker or Majority Leader could afford the time. (The Democratic Majority Leader already is hard pressed as the ranking majority member on the Budget Committee since 1975.) And scheduling matters are too sensitive to delegate exclusively to staff. Members wish to deal with other members on such delicate and politically charged matters—and rightly so—and those sentiments reinforce the need for a Committee on Rules to function much as it does today.

Therefore, it seems likely that when a future history of the Committee on Rules is written, for example in commemoration of the 200th anniversary of its original creation in 1789 or later, it most likely will find the Committee on Rules continuing to serve as the principal scheduling and rule-making instrument of the House of Representatives.

With a Democratic Speaker's powers to appoint and remove members of the Committee, with Caucus approval, it is much less likely that the Rules Committee will develop the kind of independent stance it practiced from 1937 to 1960. Republican Speakers, working with a less diverse Committee on Committees and a generally more unified Republican Conference, are even more likely to continue to benefit from a closely disciplined and sympathetic Committee on Rules. Historically, Republican Rules Committees almost always have been responsive to their party's majority leadership.

This is not to suggest that the Rules Committee will become a less powerful committee or even a less controversial one. Occasionally, an assertive chairman may clash with a strong-willed Speaker on matters small or large. Members of the Committee may still bolt from their leadership on issues particularly sensitive to them or their districts.

Only one prediction is certain, however; the relationships between the House leadership, the members of the Committee on Rules, and the other Members of the House, majority and minority, will not remain constant over the decades ahead. Generally, changes that occur will be incremental as they were during the committee's operation as a select committee. Indeed, throughout most of Rules' experience as a standing committee, changes came piecemeal and slowly. Occasionally, however, the Committee on Rules generated wholesale, if not explosive, change in the House, as in 1910 and 1961 and, to a degree, 1937. And there is every reason to believe that we have not witnessed the last of these periods of radical change. The day-to-day activities of the Rules Committee will attract, for the most part, little public attention although they will remain crucial to the operation of the House. But when demands for change erupt in the House—

whether generated from the broader political and social environment, the American political party system, or internally from House Members—the Committee on Rules will likely be at center stage. Under these conditions, as in the past, the Rules Committee will have the critical role of preserving the House as a representative and responsive political institution as it continues to evolve within the framework of the Constitution.

# APPENDIX A

# MEMBERS OF THE HOUSE RULES COMMITTEE, 1880–1982

This appendix identifies the members of the House Rules Committee from 1880 to 1982. The appendix consists of six sections: Table 1 provides: a list of Committee members, by Congress; the dates and manner of appointment; all membership changes; and the dates of each Congress. Table 2 provides an alphabetical list of all members who have served on the Committee with the dates of their committee service and the years of their House service. Table 3 provides a list, by Congress, of the Committee chairmen and ranking minority members. Table 4 provides an alphabetical list of Members of the House Rules Committee who have held other selected elective or appointive positions in Federal and State Government (i.e., President, Vice President, Senator, Governor, Cabinet officer, Speaker of the House, etc.). Table 5 presents the data contained in Table 4 according to type of positions (e.g. Cabinet officer, Federal judge, etc.) which the Committee members held. Data provided in these last two tables do not necessarily list all positions in Federal and State Government which members of the House Rules Committee have held. Table 6 gives information on the departure of members from the Rules Committee.

For some Congresses, the sources consulted indicated two dates of appointment for Rules Committee members at the beginning of the Congress. Apparently, the Speaker sometimes appointed Rules Committee members several days after Congress convened and reannounced their appointments when all other House committee appointments were made later. In these instances, only the earlier appointment date is used. Unless indicated otherwise, dates of appointment and resignation refer to committee service and not to House service.

Sources from which the data were obtained are the Congressional Committees Project at the University of Vermont, the House *Journal*, the *Congressional Record*, the *Congressional Directory*, and calendars of the House Rules Committee.

### TABLE 1.—*Chronological Listing of Members of the House Committee on Rules by Congress (1880–1982)* [1]

**46th Congress (Mar. 18, 1879–Mar. 3, 1881)** [2]

Samuel J. Randall* (D-Pa.)
Alexander H. Stephens (D-Ga.)
Joseph C. S. Blackburn (D-Ky.)
James A. Garfield (R-Ohio) [3]
William P. Frye (R-Me.)
Omar D. Conger (R-Mic

**47th Congress (Dec. 5, 1881–Mar. 3, 1883)** [4]

J. Warren Keifer* (R-Ohio)
Godlove S. Orth (R-Ind.) [5]
George M. Robeson (R-N.J.)
Thomas B. Reed (R-Me.) [5]
Samuel J. Randall (D-Pa.)
Joseph C. S. Blackburn (D-Ky.)

**48th Congress (Dec. 3, 1883–Mar. 3, 1885)** [6]

John Griffin Carlisle* (D-Ky.)
Joseph C. S. Blackburn (D-Ky.)
Samuel J. Randall (D-Pa.)
J. Warren Keifer (R-Ohio)
Thomas B. Reed (R-Me.)

**49th Congress (Dec. 7, 1885–Mar. 3, 1887)** [7]

John Griffin Carlisle* (D-Ky.)
Samuel J. Randall (D-Pa.)
William Ralls Morrison (D-Ill.)
Thomas B. Reed (R-Me.)
Frank Hiscock (R-N.Y.) [8]

**50th Congress (Dec. 5, 1887–Mar. 3, 1889)** [9]

John Griffin Carlisle* (D-Ky.)
Samuel J. Randall (D-Pa.)
Roger Q. Mills (D-Tex.)
Thomas B. Reed (R.-Me.)
Joseph G. Cannon (R-Ill.)

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* Indicates the Speaker of the House. Prior to 1910, the Speaker of the House was chairman of the Rules Committee.

[1] For some Congresses, sources provided two dates of appointment. Prior to 1910, the Speaker would appoint Rules Committee members within the first few days of a Congress. At a later date, these appointments would be re-announced, along with the initial appointments to all other committees. Only the 1st date is shown here. Membership is designated as "appointed" prior to the 1910 rules revision and as "elected" thereafter.

[2] Appointed on March 19, 1879. On March 2, 1880, the Committee on Rules was made a standing committee of the House.

[3] Resigned from the House on November 8, 1880 having been elected President of the United States; Omar D. Conger was appointed on December 20, 1880 to fill the vacancy caused by Mr. Garfield's resignation. Mr. Conger had been re-elected to the 47th Congress but resigned from the House on March 3, 1881 (before the Congress commenced), having been elected to the U.S. Senate.

[4] Appointed on December 21, 1881.

[5] Resigned from the Committee on January 5, 1882; Thomas B. Reed was appointed on January 9, 1882, to fill the vacancy caused by Mr. Orth's resignation.

[6] Appointed on December 14, 1883.

[7] Appointed on December 9, 1885.

[8] Reelected to the 50th Congress, but resigned (March 3, 1887) from the House, having been elected to the U.S. Senate.

[9] Appointed on December 19, 1887.

**51st Congress (Dec. 2, 1889–Mar. 3, 1891) [10]**

Thomas B. Reed* (R-Me.)
William McKinley, Jr. (R-Ohio)
Joseph G. Cannon (R-Ill.)

John Griffin Carlisle (D-Ky.) [11]
Samuel J. Randall (D-Pa.) [12]
James H. Blount (D-Ga.) [12]
Roger Q. Mills (D-Tex.) [11]
Benton McMillin (D-Tenn.) [11]

**52d Congress (Dec. 7, 1891–Mar. 3, 1893) [13]**

Charles F. Crisp * (D-Ga.)
Benton McMillin (D-Tenn.)
Thomas C. Catchings (D-Miss.)

Thomas B. Reed (R-Me.)
Julius C. Burrows (R-Mich.)

**53d Congress (Aug. 7, 1893–Mar. 3, 1895) [14]**

Charles F. Crisp * (D-Ga.)
Thomas C. Catchings (D-Miss.)
Joseph Hodson Outhwaite (D-Ohio)

Thomas B. Reed (R-Me.)
Julius C. Burrows (R-Mich.) [15]
Joseph G. Cannon (R-Ill.) [15]

**54th Congress (Dec. 2, 1895–Mar. 3, 1897) [16]**

Thomas B. Reed * (R-Me.)
David B. Henderson (R-Iowa)
John Dalzell (R-Pa.)

Charles F. Crisp (D-Ga.) [17]
Benton McMillin (D-Tenn.)
Joseph W. Bailey (D-Tex.) [17]

**55th Congress (Mar. 15, 1897–Mar. 3, 1899) [18]**

Thomas B. Reed * (R-Me.)
David B. Henderson (R-Iowa)
John Dalzell (R-Pa.)

Joseph W. Bailey (D-Tex.)
Benton McMillin (D-Tenn.) [19]
James D. Richardson (D-Tenn.) [19]

**56th Congress (Dec. 4, 1899–Mar. 3, 1901) [20]**

David B. Henderson * (R-Iowa)
John Dalzell (R-Pa.)
Charles H. Grosvenor (R-Ohio)

James D. Richardson (D-Tenn.)
Joseph W. Bailey (D-Tex.)

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[10] Appointed on December 5, 1889.

[11] Resigned from the House on May 26, 1890 having been elected to the U.S. Senate; Roger Q. Mills, who served in the previous Congress, was re-appointed on June 11, 1890 to fill the vacancy caused by Mr. Carlisle's resignation. Mr. Mills resigned from the Committee on June 12, 1890; Benton McMillin was appointed on June 12, 1890 to fill the vacancy caused by Mr. Mills' resignation.

[12] Died on April 13, 1890; James H. Blount was appointed to the Committee on May 10, 1890 to fill the vacancy caused by Mr. Randall's death.

[13] Appointed on December 16, 1891.

[14] Appointed on August 10, 1893.

[15] Resigned from the Committee on January 19, 1895 and from the House on January 23, 1895 (before the 54th Congress, to which he had been reelected, commenced), having been elected to the U.S. Senate. Joseph G. Cannon was appointed on January 19, 1895 to fill the vacancy on the Committee caused by Mr. Burrows' resignation.

[16] Appointed on December 21, 1895.

[17] Died on October 23, 1896; Joseph W. Bailey was appointed on January 12, 1897, to fill the vacancy caused by Mr. Crisp's death.

[18] Appointed on March 15, 1897.

[19] Resigned from the House on January 6, 1899 having been elected Governor; James D. Richardson was appointed on January 10, 1899 to fill the vacancy caused by Mr. McMillin's resignation.

[20] Appointed on December 7, 1899.

### 57th Congress (Dec. 2, 1901–Mar. 3, 1903) [21]

David B. Henderson * (R-Iowa)
John Dalzell (R-Pa.)
Charles H. Grosvenor (R-Ohio)
James D. Richardson (D-Tenn.)
Oscar W. Underwood (D-Ala.)

### 58th Congress (Nov. 9, 1903–Mar. 3, 1905) [22]

Joseph G. Cannon * (R-Ill.)
John Dalzell (R-Pa.)
Charles H. Grosvenor (R-Ohio)
John S. Williams (D-Miss.)
David A. DeArmond (D-Mo.)

### 59th Congress (Dec. 4, 1905–Mar. 3, 1907) [23]

Joseph G. Cannon * (R-Ill.)
John Dalzell (R-Pa.)
Charles H. Grosvenor (R-Ohio)
John S. Williams (D-Miss.)
David A. DeArmond (D-Mo.)

### 60th Congress (Dec. 2, 1907–Mar. 3, 1909) [24]

Joseph G. Cannon * (R-Ill.)
John Dalzell (R-Pa.)
James S. Sherman (R-N.Y.)
John S. Williams (D-Miss.)
David A. DeArmond (D-Mo.)

### 61st Congress (Mar. 15, 1909–Mar. 3, 1911) [25]

Joseph G. Cannon * (R-Ill.) [25]
John Dalzell (R-Pa.) [25] [26]
Walter I. Smith (R-Iowa) [25] [26]
Henry S. Boutell (R-Ill.) [26]
George P. Lawrence (R-Mass.) [26]
Jacob Sloat Fassett (R-N.Y.) [26]
Sylvester C. Smith (R-Calif.) [26]
James Beauchamp ("Champ") Clark (D-Mo.) [25] [26]
John J. Fitzgerald (D-N.Y.) [25] [26]
Oscar W. Underwood (D-Ala.) [26]
Lincoln Dixon (D-Ind.) [26]

### 62d Congress (Apr. 4, 1911–Mar. 3, 1913) [27]

Robert L. Henry (D-Tex.)
Edward W. Pou (D-N.C.)
Thomas W. Hardwick (D-Ga.)
Augustus O. Stanley (D-Ky.)
Finis J. Garrett (D-Tenn.)
Martin D. Foster (D-Ill.)
Matthew R. Denver (D-Ohio)
John Dalzell (R-Pa.)
William W. Wilson (R-Ill.)
Edmond H. Madison (R-Kans.) [28]
Irvine L. Lenroot (R-Wis.)
Philip P. Campbell (R-Kans.) [28]

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[21] Appointed on December 3, 1901.

[22] Appointed on November 10, 1903.

[23] Appointed on December 4, 1905.

[24] Appointed on December 12, 1907.

[25] Appointed on March 15, 1909. On March 19, 1910, the House adopted H. Res. 502, which amended House Rules to provide for the election of ten members (6 majority and 4 minority) to the Rules Committee. The resolution prohibited the Speaker of the House from serving on the Committee and provided that, within ten days of its adoption, the ten members of the Rules Committee be elected.

[26] Pursuant to the adoption of H. Res. 502, the Rules Committee was reconstituted on March 25, 1910, (H. Res. 506) and John Dalzell was elected chairman of the Committee.

[27] Committee's membership was increased to 11 (7–4). Elected on April 11, 1911 (H. Res. 77).

[28] Died September 18, 1911; Philip P. Campbell was elected on January 11, 1912 (motion of Oscar Underwood (D-Ala.)), to fill the vacancy caused by Mr. Madison's death.

### 63d Congress (Apr. 7, 1913–Mar. 3, 1915) [29]

Robert L. Henry (D-Tex.)
Edward W. Pou (D-N.C.)
Thomas W. Hardwick (D-Ga.) [30]
Finis J. Garrett (D-Tenn.)
Martin D. Foster (D-Ill.)
James C. Cantrill (D-Ky.)
Michael F. Conry (D-N.Y.) [32]
Henry M. Goldfogle (D-N.Y.)

Philip P. Campbell (R-Kans.)
Irvine L. Lenroot (R-Wis.)
Edwin A. Merritt (R-N.Y.) [31]
Melville C. Kelly (R-Pa.)

### 64th Congress (Dec. 6, 1915–Mar. 3, 1917) [33]

Robert L. Henry (D-Tex.)
Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
Martin D. Foster (D-Ill.)
James C. Cantrill (D-Ky.)
Byron P. Harrison (D-Miss.)
Thomas G. Patten (D-N.Y.)

Philip P. Campbell (R-Kans.)
Irvine L. Lenroot (R-Wis.)
William S. Bennet (R-N.Y.)
Burnett M. Chiperfield (R-Ill.)

### 65th Congress (Apr. 2, 1917–Mar. 3, 1919) [34]

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
Martin D. Foster (D-Ill.)
James C. Cantrill (D-Ky.)
Byron P. Harrison (D-Miss.)
Daniel J. Riordan (D-N.Y.)
Melville C. Kelly (D-Pa.)
Thomas D. Schall (D-Minn.)

Philip P. Campbell (R-Kans.)
Irvine L. Lenroot (R-Wis.) [35]
William R. Wood (R-Ind.) [36] [37]
Bertrand H. Snell (R-N.Y.) [36]
William A. Rodenberg (R-Ill.) [37]
Simeon D. Fess (R-Ohio) [35]

### 66th Congress (May 19, 1919–Mar. 3, 1921) [38]

Philip P. Campbell (R-Kans.)
Bertrand H. Snell (R-N.Y.)
William A. Rodenberg (R-Ill.)
Simeon D. Fess (R-Ohio)
Aaron S. Kreider (R-Pa.)
Porter H. Dale (R-Vt.)
Royal C. Johnson (R-S.D.)
Thomas D. Schall (D-Minn.)

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
James C. Cantrill (D-Ky.)
Daniel J. Riordan (D-N.Y.)

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[29] Elected April 10, 1913 (motion of Oscar Underwood (D-Ala.)).

[30] Resigned from the House on November 2, 1914 and elected to the U.S. Senate on November 4, 1914; vacancy not filled for the remainder of the Congress.

[31] Died December 4, 1914; vacancy not filled for remainder of the Congress.

[32] Resigned from the Committee on December 4, 1913; Henry M. Goldfogle was elected (motion of Oscar Underwood (D-Ala.)), on December 12, 1913 to fill the vacancy caused by Mr. Conry's resignation.

[33] Elected on December 14, 1915 (motion of Claude Kitchin (D-N.C.)).

[34] Committee's membership was increased to 12 (8–4); Democrats elected on April 2, 1917 (H. Res. 19); Republicans elected on April 3, 1917 (H. Res. 22).

[35] Resigned from the House on April 17, 1918 having been elected to the U.S. Senate; Simeon D. Fess was elected (motion of Claude Kitchin (D-N.C.)) on April 26, 1918 to fill the vacancy caused by Mr. Lenroot's resignation.

[36] Elected on April 18, 1917 (motion of James R. Mann (R-Ill.)).

[37] Resigned from the Committee on December 15, 1917; William A. Rodenberg was elected (motion of Frederick Gillett (R-Mass.)) on December 15, 1917 to fill the vacancy caused by Mr. Wood's resignation.

[38] Elected on May 19, 1919 (motion of Claude Kitchin (D-N.C.)).

## 67th Congress (Apr. 11, 1921–Mar. 3, 1923) [39]

Philip P. Campbell (R-Kans.)
Bertrand H. Snell (R-N.Y.)
Willaim A. Rodenberg (R-Ill.)
Simeon D. Fess (R-Ohio)
Aaron S. Kreider (R-Pa.)
Porter H. Dale (R-Vt.)
Royal C. Johnson (R-S.D.)
Thomas D. Schall (R-Minn.)

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
James C. Cantrill (D-Ky.)
Daniel J. Riordan (D-N.Y.)

## 68th Congress (Dec. 3, 1923–Mar. 3, 1925) [40]

Bertrand H. Snell (R-N.Y.)
Royal C. Johnson (R-S.D.)
Thomas D. Schall (R-Minn.)
Frank D. Scott (R-Mich.)
John M. Nelson
Theodore E. Burton (R-Ohio)
Harris J. Bixler (R-Pa.)
Allen F. Moore (R-Ill.)

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
William B. Bankhead (D-Ala.)
John J. O'Connor (D-N.Y.)

## 69th Congress (Dec. 7, 1925–Mar. 3, 1927) [41]

Bertrand H. Snell (R-N.Y.)
Theodore E. Burton (R-Ohio)
Thomas S. Williams (R-Ill.)
Wallace H. White, Jr. (R-Me.)
Fred S. Purnell (R-Ind.)
Earl C. Michener (R-Pa.)
Harry C. Ransley (R-Pa.)
William Williamson (R-S.D.) [42]
C. William Ramseyer (R-Iowa) [42]

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
William B. Bankhead (D-Ala.)
John J. O'Connor (D-N.Y.)

## 70th Congress (Dec. 5, 1927–Mar. 3, 1929) [43]

Bertrand H. Snell (R-N.Y.)
Theodore E. Burton (R-Ohio) [44]
Thomas S. Williams (R-Ill.)
Fred S. Purnell (R-Ind.)
Earl C. Michener (R-Mich.)
Harry C. Ransley (R-Pa.)
C. William Ramseyer (R-Iowa) [45]
Louis A. Frothingham (R-Mass.) [46]
Franklin W. Fort (R-N.J.)
Joseph W. Martin, Jr. (R-Mass.) [45]

Edward W. Pou (D-N.C.)
Finis J. Garrett (D-Tenn.)
William B. Bankhead (D-Ala.)
John J. O'Connor (D-N.Y.)

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[39] Elected on April 11, 1921 (Republicans—H. Res. 10; Democrats—motion of John N. Garner (D-Tex.)).

[40] Elected on December 17, 1923. (Republicans—H. Res. 94; Democrats—H. Res. 95).

[41] Elected on December 7, 1925. (Republicans—H. Res. 8; Democrats—H. Res. 9).

[42] Resigned from the Committee on December 11, 1925; C. William Ramseyer was elected (H. Res. 50) on December 16, 1925, to fill the vacancy caused by Mr. Williamson's resignation.

[43] Elected on December 12, 1927 (Republicans—H. Res. 53; Democrats—H. Res. 54).

[44] Resigned from the House on December 15, 1928 having been elected to the U.S. Senate fo fill the vacancy caused by the death of Frank B. Willis; Franklin W. Fort was elected (H. Res. 274) on December 20, 1928, to fill the vacancy caused by Mr. Burton's resignation.

[45] Resigned from the Committee on January 24, 1929; vacancy not filled for the remainder of the Congress.

[46] Died on August 23, 1928; Joseph Martin, Jr. was elected (H. Res. 274) on December 20, 1928 to fill the vacancy caused by Mr. Frothingham's death.

### 71st Congress (Apr. 15, 1929–Mar. 3, 1931)[47]

Bertrand H. Snell (R-N.Y.)
Thomas S. Williams (R-Ill.)[48]
Fred S. Purnell (R-Ind.)
Earl C. Michener (R-Mich.)
Harry C. Ransley (R-Pa.)
Franklin W. Fort (R-N.J.)
Joseph W. Martin, Jr. (R-Mass.)
Lloyd Thurston (R-Iowa)
Elliott W. Sproul (R-Ill.)[48]
Edward W. Pou (D-N.C.)
William B. Bankhead (D-Ala.)
John J. O'Connor (D-N.Y.)
Adolph J. Sabath (D-Ill.)[49]

### 72d Congress (Dec. 7, 1931–Mar. 3, 1933)[50]

Edward W. Pou (D-N.C.)
William B. Bankhead (D-Ala.)
John J. O'Connor (D-N.Y.)
Adolph J. Sabath (D-Ill.)
Daniel E. Garrett (D-Tex.)[51]
Arthur H. Greenwood (D-Ind.)
Edward Eugene Cox (D-Ga.)
Thomas S. McMillan (D-S.C.)
William J. Driver (D-Ark.)[51]
Fred S. Purnell (R-Ind.)
Earl C. Michener (R-Mich.)
Harry C. Ransley (R-Pa.)
Joseph W. Martin, Jr. (R-Mass.)

### 73d Congress (Mar. 9, 1933–June 18, 1934)[52]

Edward W. Pou (D-N.C.)[53]
William B. Bankhead (D-Ala.)[53]
John J. O'Connor (D-N.Y.)
Adolph J. Sabath (D-Ill.)
Arthur H. Greenwood (D-Ind.)
Edward Eugene Cox (D-Ga.)
William J. Driver (D-Ark.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)[53]
Harry C. Ransley (R-Pa.)
Joseph W. Martin, Jr. (R-Mass.)
Carl E. Mapes (R-Mich.)
Frederick R. Lehlbach (R-N.J.)

### 74th Congress (Jan. 3, 1935—June 20, 1936)[54]

John J. O'Connor (D-N.Y.)
Adolph J. Sabath (D-Ill.)
Arthur H. Greenwood (D-Ind.)
Edward Eugene Cox (D-Ga.)
William J. Driver (D-Ark.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
Martin Dies, Jr. (D-Tex.)
Byron B. Harlan (D-Ohio)
Lawrence Lewis (D-Colo.)
Harry C. Ransley (R-Pa.)
Joseph W. Martin, Jr. (R-Mass.)
Carl E. Mapes (R-Mich.)
Frederick R. Lehlbach (R-N.J.)

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[47] Elected on April 16, 1929 (Republicans—H. Res. 16; Democrats—H. Res. 17).

[48] Resigned from the House on November 11, 1929 having been appointed a Judge for the Court of Claims of the United States; Elliott W. Sproul was elected on December 12, 1929 (H. Res. 92), to fill the vacancy caused by Mr. Williams' resignation.

[49] Elected on December 12, 1929 (H. Res. 93).

[50] Elected on December 15, 1931 (Democrats—H. Res. 61; Republicans—H. Res. 62).

[51] Died on December 13, 1932. William J. Driver (D-Ark.) was elected on December 15, 1932 (H. Res. 322) to fill the vacancy.

[52] Elected on March 13, 1933 (Democrats—H. Res. 41; Republicans—H. Res. 42).

[53] Died on April 1, 1934. William Bankhead was elected chairman of the Committee on April 5, 1934. (H. Res. 323). J. Bayard Clark (D-N.C.) was elected on April 16, 1934 (H. Res. 333) to fill the vacancy.

[54] Committee's membership was increased to 14 (10–4). Democrats elected on January 11, 1935 (H. Res. 41); Republicans elected on January 14, 1935 (H. Res. 50).

### 75th Congress (Jan. 5, 1937–June 16, 1938) [55]

John J. O'Connor (D-N.Y.)
Adolph J. Sabath (D-Ill.)
Arthur H. Greenwood (D-Ind.)
Edward Eugene Cox (D-Ga.)
William J. Driver (D-Ark.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
Martin Dies, Jr. (D-Tex.)
Byron B. Harlan (D-Ohio)
Lawrence Lewis (D-Colo.)

Joseph W. Martin, Jr. (R-Mass.)
Carl E. Mapes (R-Mich.)
J. Will Taylor (R-Tenn.) [56]
Donald H. McLean (R-N.J.) [56]

### 76th Congress (Jan. 3, 1939–Jan. 3, 1941) [57]

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
Martin Dies, Jr. (D-Tex.)
Lawrence Lewis (D-Colo.)
John J. Delaney (D-N.Y.)
William M. Colmer (D-Miss.)
William L. Nelson (D-Mo.)
John J. Dempsey (D-N.M.)

Carl E. Mapes (R-Mich.) [58]
J. Will Taylor (R-Tenn.) [59]
Hamilton Fish, Jr. (R-N.Y.)
Leo E. Allen (R-Ill.)
Earl C. Michener (R-Mich.) [59]
Charles A. Halleck (R-Ind.) [58]

### 77th Congress (Jan. 3, 1941–Dec. 16, 1942) [60]

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
Martin Dies, Jr. (D-Tex.)
Lawrence Lewis (D-Colo.)
John J. Delaney (D-N.Y.)
William M. Colmer (D-Miss.)
William L. Nelson (D-Mo.)
John Conover (Jack) Nichols (D-Okla.) [61]

Hamilton Fish, Jr. (R-N.Y.)
Leo E. Allen (R-Ill.)
Earl C. Michener (R-Mich.)
Charles A. Halleck (R-Ind.)

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[55] Democrats elected on January 5, 1937 (H. Res. 19); Republicans elected on January 14, 1937 (H. Res. 41).

[56] Elected on January 14, 1937 (H. Res. 63).

[57] Elected on January 18, 1939 (Democrats—H. Res. 54; Republicans—H. Res. 56).

[58] Died on December 12, 1939; Charles A. Halleck was elected on January 11, 1940 (H. Res. 345) to fill the vacancy caused by Mr. Mapes' death.

[59] Died on November 14, 1939; Earl C. Michener was elected on January 11, 1940 (H. Res. 345) to fill the vacancy caused by Mr. Taylor's death.

[60] Democrats elected on January 3, 1941 (H. Res. 8). Republicans elected on January 8, 1941 (H. Res. 44).

[61] Elected on January 22, 1941 (H. Res. 76).

### 78th Congress (Jan. 6, 1943–Dec. 19, 1944) [62]

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
Martin Dies, Jr. (D-Tex.)
Lawrence Lewis (D-Colo.) [63]
John J. Delaney (D-N.Y.)
William M. Colmer (D-Miss.)
John Conover (Jack) Nichols (D-Okla.) [64]
Joseph B. Bates (D-Ky.) [64]
Roger C. Slaughter (D-Mo.) [63]

Hamilton Fish, Jr. (R-N.Y.)
Leo E. Allen (R-Ill.)
Earl C. Michener (R-Mich.)
Charles A. Halleck (R-Ind.)
Clarence J. Brown (R-Ohio)

### 79th Congress (Jan. 3, 1945–Aug. 2, 1946) [65]

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)
John J. Delaney (D-N.Y.)
William M. Colmer (D-Miss.)
Joseph B. Bates (D-Ky.)
Roger C. Slaughter (D-Mo.)

Leo E. Allen (R-Ill.)
Earl C. Michener (R-Mich.)
Charles A. Halleck (R-Ind.)
Clarence J. Brown (R-Ohio)

### 80th Congress (Jan. 3, 1947–Dec. 31, 1948) [66]

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
James W. Wadsworth, Jr. (R-N.Y.)
Forest A. Harness (R-Ind.)
J. Edgar Chenoweth (R-Colo.)
Ross Rizley (R-Okla.)
Christian A. Herter (R-Mass.)
Robert F. Rich (R-Pa.)

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
J. Bayard Clark (D-N.C.)

### 81st Congress (Jan. 3, 1949–Jan. 2, 1951) [67]

Adolph J. Sabath (D-Ill.)
Edward Eugene Cox (D-Ga.)
Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
John E. Lyle, Jr. (D-Tex.)
John McSweeney (D-Ohio)
James J. Delaney (D-N.Y.)

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
James W. Wadsworth, Jr. (R-N.Y.)
Christian A. Herter (R-Mass.)

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[62] Elected on January 12, 1943. Committee ratio was changed to 9 Democrats, 5 Republicans (Democrats—H. Res. 46; Republicans—H. Res. 47).

[63] Died on December 9, 1943; Roger C. Slaughter was elected on February 17, 1944 (H. Res. 445) to fill the vacancy caused by Mr. Lewis' death.

[64] Resigned from the House on July 3, 1943; Joseph B. Bates was elected on July 5, 1943 (H. Res. 291) to fill the vacancy caused by Mr. Nichols' resignation.

[65] The Committee's membership was decreased to 12 (8–4). Democrats elected on January 3, 1945 (H. Res. 7); Republicans elected on January 6, 1945 (H. Res. 57).

[66] Republicans elected on January 9, 1947 (H. Res. 44); Democrats elected on January 14, 1947 (H. Res. 47).

[67] Elected on January 18, 1949 (Democrats—H. Res. 56; Republicans—H. Res. 57).

### 82d Congress (Jan. 3, 1951–July 7, 1952) [68]

Adolph J. Sabath (D-Ill.) [69]
Edward Eugene Cox (D-Ga.) [70]
Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
John E. Lyle, Jr. (D-Tex.)
James J. Delaney (D-N.Y.)
Hugh B. Mitchell (D-Wash.) [71]

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
Matthew Harris Ellsworth (R-Ore.)
Henry J. Latham (R-N.Y.)

### 83d Congress (Jan. 3, 1953–Dec. 2, 1954) [72]

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
Matthew Harris Ellsworth (R-Ore.)
Henry J. Latham (R-N.Y.)
Hugh D. Scott, Jr. (R-Pa.)
Donald W. Nicholson (R-Mass.)
J. Edgar Chenoweth (R-Colo.)
B. Carroll Reece (R-Tenn.)

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
John E. Lyle, Jr. (D-Tex.)

### 84th Congress (Jan. 5, 1955–July 27, 1956) [73]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
W. Homer Thornberry (D-Tex.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
Matthew Harris Ellsworth (R-Ore.)
Henry J. Latham (R-N.Y.)

### 85th Congress (Jan. 3, 1957–Aug. 24, 1958) [74]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
W. Homer Thornberry (D-Tex.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
Henry J. Latham (R-N.Y.) [75]
Hugh D. Scott, Jr. (R-Pa.) [76]

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[68] Democrats elected on January 3, 1951 (H. Res. 9); Republicans elected on January 15, 1951 (H. Res. 68).

[69] Died on November 6, 1952, before the commencement of the 83d Congress, to which he had been reelected.

[70] Died on December 24, 1952, before the commencement of the 83d Congress, to which he had been reelected.

[71] Elected on January 12, 1951 (H. Res. 61).

[72] Elected on January 14, 1953 (Republicans—H. Res. 82; Democrats—H. Res. 80).

[73] Democrats elected January 13, 1955; Republicans elected on January 20, 1955 (H. Res. 95).

[74] Democrats elected January 3, 1957 (H. Res. 8); Republicans elected on January 5, 1957 (H. Res. 81).

[75] Resigned from the House on December 31, 1958, after the adjournment of the 85th Congress.

[76] Elected on January 16, 1957 (H. Res. 103).

### 86th Congress (Jan. 7, 1959–Sept. 1, 1960) [77]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
W. Homer Thornberry (D-Tex.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)

Leo E. Allen (R-Ill.)
Clarence J. Brown (R-Ohio)
B. Carroll Reece (R-Tenn.) [78]
Hamer H. Budge (R-Idaho) [78]

### 87th Congress (Jan. 3, 1961–Oct. 13, 1962) [79]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
W. Homer Thornberry (D-Tex.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
Carl A. Elliott (D-Ala.) [82]
B. F. Sisk (D-Calif.) [82]

Clarence J. Brown (R-Ohio)
B. Carroll Reece (R-Tenn.) [80]
Katherine St. George (R-N.Y.) [81]
H. Allen Smith (R-Calif.) [81]
Elmer J. Hoffman (R-Ill.) [81]
William H. Avery (R-Kan.) [80]

### 88th Congress (Jan. 9, 1963–Oct. 3, 1964) [83]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
W. Homer Thornberry (D-Tex.) [86]
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
Carl A. Elliott (D-Ala.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.) [86]

Clarence J. Brown (R-Ohio)
Katherine St. George (R-N.Y.)
H. Allen Smith (R-Calif.)
Elmer J. Hoffman (R-Ill.) [84]
William H. Avery (R-Kan.) [85]
John B. Anderson (R-Ill.) [84]
David T. Martin (R-Nebr.) [85]

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[77] Democrats elected on January 7, 1959 (H. Res. 9); Republicans elected on January 15, 1959 (H. Res. 103).

[78] Elected on January 19, 1959 (H. Res. 122).

[79] Elected on January 23, 1961, (Democrats—H. Res. 119; Republicans—H. Res. 120). On January 31, 1961 the Committee's membership was increased to 15 (10-5) for the remainder of the 87th Congress.

[80] Died on March 19, 1961; William H. Avery was elected on March 28, 1961 (H. Res. 239) to fill the vacancy caused by Mr. Reece's death.

[81] Elected on February 13, 1961 (H. Res. 160)

[82] Elected on February 6, 1961 (H. Res. 147).

[83] On January 9, 1963 the Committee's size was fixed at 15 (10-5) and that size was made part of the permanent House Rules. Elected on January 17, 1963. (Democrats—H. Res. 109; Republicans—H. Res. 110).

[84] Resigned from the Committee on June 16, 1964; John B. Anderson was elected to the Committee on June 16, 1964 (H. Res. 786) to fill the vacancy caused by Mr. Hoffman's resignation.

[85] Resigned from the Committee on June 24, 1964; David T. Martin was elected on June 24, 1964 (H. Res. 790), to fill the vacancy caused by Mr. Avery's resignation.

[86] Resigned from the Committee on December 10, 1963; John A. Young was elected on December 10, 1963 (H. Res. 581) to fill the vacancy caused by Mr. Thornberry's resignation.

### 89th Congress (Jan. 4, 1965–Oct. 22, 1966) [87]

Howard W. Smith (D-Va.)
William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
James W. Trimble (D-Ark.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)

Clarence J. Brown (R-Ohio) [88]
H. Allen Smith (R-Calif.)
John B. Anderson (R-Ill.)
David T. Martin (R-Nebr.)
James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio) [88]

### 90th Congress (Jan. 10, 1967–Oct. 14, 1968) [89]

William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Spark M. Matsunaga (D-Hawaii)
William R. Anderson (D-Tenn.)

H. Allen Smith (R-Calif.)
John B. Anderson (R-Ill.)
David T. Martin (R-Nebr.)
James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio)

### 91st Congress (Jan. 3, 1969–Jan. 2, 1971) [90]

William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Spark M. Matsunaga (D-Hawaii)
William R. Anderson (D-Tenn.)

H. Allen Smith (R-Calif.)
John B. Anderson (R-Ill.)
David T. Martin (R-Nebr.)
James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio)

### 92d Congress (Jan. 21, 1971–Oct. 18, 1972) [91]

William M. Colmer (D-Miss.)
Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
Thomas P. O'Neill, Jr. (D-Mass.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Spark M. Matsunaga (D-Hawaii)
William R. Anderson (D-Tenn.)

H. Allen Smith (R-Calif.)
John B. Anderson (R-Ill.)
David T. Martin (R-Nebr.)
James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio)

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[87] Democrats elected on January 18, 1965 (H. Res. 120); Republicans elected on January 21, 1965 (H. Res. 132).

[88] Died on August 23, 1965; Delbert L. Latta was elected on August 31, 1965 (H. Res. 558), to fill the vacancy caused by Mr. Brown's death.

[89] Elected on Janauary 18, 1967 (Democrats—H. Res. 143; Republicans—H. Res. 144).

[90] Elected on January 3, 1969 (Democrats—H. Res. 11; Republicans—H. Res. 12).

[91] Elected on February 4, 1971 (Democrats—H. Res. 193; Republicans—H. Res. 194).

### 93d Congress (Jan. 3, 1973–Dec. 20, 1974) [92]

Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Spark M. Matsunaga (D-Hawaii)
Morgan F. Murphy (D-Ill.)
Gillis W. Long (D-La.)
Clem Rogers McSpadden (D-Okla.)
David T. Martin (R-Nebr.)
John B. Anderson (R-Ill.) [93]
James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio)
Delwin M. Clawson (R-Calif.) [94]

### 94th Congress (Jan. 14, 1975–Oct. 1, 1976) [95]

Ray J. Madden (D-Ind.)
James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Spark M. Matsunaga (D-Hawaii)
Morgan F. Murphy (D-Ill.)
Gillis W. Long (D-La.)
John Joseph Moakley (D-Mass.)
Andrew J. Young (D-Ga.)
James H. Quillen (R-Tenn.)
John B. Anderson (R-Ill.)
Delbert L. Latta (R-Ohio)
Delwin M. Clawson (R-Calif.)
Trent Lott (R-Miss.)

### 95th Congress (Jan. 4, 1977–Oct. 15, 1978) [96]

James J. Delaney (D-N.Y.)
Richard W. Bolling (D-Mo.)
B. F. Sisk (D-Calif.)
John A. Young (D-Tex.)
Claude D. Pepper (D-Fla.)
Morgan F. Murphy (D-Ill.)
Gillis W. Long (D-La.)
John Joseph Moakley (D-Mass.)
Lloyd Meeds (D-Wash.)
Shirley A. Chisholm (D-N.Y.)
Christopher J. Dodd (D-Conn.)
James H. Quillen (R-Tenn.)
John B. Anderson (R-Ill.)
Delbert L. Latta (R-Ohio)
Delwin M. Clawson (R-Calif.) [97]
Trent Lott (R-Miss.)
Robert E. Bauman (R-Md.) [97]

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[92] Democrats elected on January 24, 1973 (H. Res. 159); Republicans elected on January 6, 1973 (H. Res. 99). Pursuant to H. Res. 988, adopted October 8, 1974, the Committee's size was no longer permanently fixed at 15.

[93] John B. Anderson was Chairman of the House Republican Conference from 1969 to 1979; conference rules precluded him from also serving as Ranking Minority Member of the Rules Committee.

[94] Elected on January 24, 1973 (H. Res. 160).

[95] Committee's membership increased to 16 (11–5). Democrats elected on January 20, 1975 (H. Res 76); Republicans elected on January 28, 1975 (H. Res. 101).

[96] Elected on January 19, 1977 (Democrats—H. Res. 117; Republicans—H. Res. 118).

[97] Resigned from the Committee on September 26, 1978; Robert E. Bauman was elected on September 26, 1978 (H. Res. 1381) to fill the vacancy caused by Mr. Clawson's resignation.

### 96th Congress (Jan. 15, 1979–Dec. 16, 1980) [98]

Richard W. Bolling (D-Mo.)
Claude D. Pepper (D-Fla.)
Morgan F. Murphy (D-Ill.)
Gillis W. Long (D-La.)
John Joseph Moakley (D-Mass.)
Shirley A. Chisholm (D-N.Y.)
Christopher J. Dodd (D-Conn.)
Leo C. Zeferetti (D-N.Y.)
Butler C. Derrick, Jr. (D-S.C.)
Anthony C. Beilenson (D-Calif.)
Martin Frost (D-Tex.)

James H. Quillen (R-Tenn.)
John B. Anderson (R-Ill.) [99]
Delbert L. Latta (R-Ohio)
Trent Lott (R-Miss.)
Robert E. Bauman (R-Md.)
Gene Taylor (R-Mo.) [99]

### 97th Congress (Jan. 5, 1981–        ) [100]

Richard W. Bolling (D-Mo.)
Claude D. Pepper (D-Fla.)
Gillis W. Long (D-La.)
John Joseph Moakley (D-Mass.)
Shirley A. Chisholm (D-N.Y.)
Leo C. Zeferetti (D-N.Y.)
Butler C. Derrick, Jr. (D-S.C.)
Anthony C. Beilenson (D-Calif.)
Martin Frost (D-Tex.
David E. Bonior (D-M
Tony P. Hall (D-Ohio)

James H. Quillen (R-Tenn.)
Delbert L. Latta (R-Ohio)
Trent Lott (R-Miss.)
Gene Taylor (R-Mo.)
John J. Rhodes (R-Ariz.)

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[98] Elected on January 24, 1979 (Democrats—H. Res. 62; Republicans—H. Res. 63).

[99] Resigned from the Committee on May 9, 1980; Gene Taylor was elected on May 14, 1980 (H. Res. 668) to fill the vacancy caused by Mr. Anderson's resignation.

[100] Elected on January 28, 1981 (Democrats—H. Res 44; Republicans—H. Res. 45).

TABLE 2.—*Alphabetical Listing of Members of the House Rules Committee (1880–1982)*

| *Member* | *Committee service* [1] | *House service* |
|---|---|---|
| Allen, Leo E. (R-Ill.) | Jan. 18, 1939–Sept. 1, 1960 | 1933–1961 |
| Anderson, John B. (R-Ill.) | June 16, 1964–May 9, 1980 | 1961–1980 |
| Anderson, William R. (D-Tenn.) | Jan. 18, 1967–Oct. 18, 1972 | 1965–1973 |
| Avery, William H. (R-Kans.) | Mar. 19, 1961–June 24, 1964 | 1955–1965 |
| Bailey, Joseph W. (D-Tex.) | Jan. 12, 1897–Mar. 3, 1901 | 1891–1901 |
| Bankhead, William B. (D-Ala.) | Dec. 17, 1923–June 18, 1934 | 1917–1940 |
| Bates, Joseph Bengal (D-Ky.) | July 5, 1943–Aug. 2, 1946 | 1938–1953 |
| Bauman, Robert E. (R-Md.) | Sept. 26, 1978–Dec. 16, 1980 | 1973–1980 |
| Beilenson, Anthony C. (D-Calif.) | Jan. 24, 1979– | 1977– |
| Bennet, William S. (R-N.Y.) | Dec. 14, 1915–Mar. 3, 1917 | 1905–1911 |
| | | 1915–1917 |
| Bixler, Harris J. (R-Pa.) | Dec. 17, 1923–Mar. 3, 1925 | 1921–1927 |
| Blackburn, Joseph C. S. (D-Ky.) | Mar. 19, 1879–Mar. 3, 1885 | 1875–1885 |
| Blount, James H. (D-Ga.) | May 10, 1890–Mar. 3, 1891 | 1873–1893 |
| Bolling, Richard W. (D-Mo.) | Jan. 13, 1955– | 1949– |
| Bonior, David E. (D-Mich.) | Jan. 28, 1981– | 1977– |
| Boutell, Henry S. (R-Ill.) | Mar. 25, 1910–Mar. 3, 1911 | 1897–1911 |
| Brown, Clarence J. (R-Ohio) | Jan. 12, 1943–Aug. 23, 1965 | 1939–1965 |
| Budge, Hamer H. (R-Idaho) | Jan. 19, 1959–Sept. 1, 1960 | 1951–1961 |
| Burrows, Julius C. (R-Mich.) | Dec. 16, 1891–Jan. 19, 1895 | 1873–1875 |
| | | 1879–1883 |
| | | 1885–1895 |
| Burton, Theodore E. (R-Ohio) | Dec. 17, 1923–Dec. 15, 1928 | 1889–1891 |
| | | 1895–1909 |
| | | 1921–1928 |
| Campbell, Philip P. (R-Kans.) | Jan. 11, 1912–Mar. 3, 1923 | 1903–1923 |
| Cannon, Joseph G. (R-Ill.) | Dec. 19, 1887–Mar. 3, 1891 | 1873–1891 |
| | Jan. 19, 1895–Mar. 3, 1895 | 1893–1913 |
| | Nov. 10, 1903–Mar. 25, 1910 | 1915–1923 |
| Cantrill, James C. (D-Ky.) | Apr. 10, 1913–Mar. 3, 1923 | 1909–1923 |
| Carlisle, John (D-Ky.) | Dec. 14, 1883–May 26, 1890 | 1877–1890 |
| Catchings, Thomas C. (D-Miss.) | Dec. 16, 1891–Mar. 3, 1895 | 1885–1901 |
| Chenoweth, J. Edgar (R-Colo.) | Jan. 9, 1947–Dec. 31, 1948 | 1941–1949 |
| | Jan. 14, 1953–Dec. 2, 1954 | 1951–1965 |
| Chiperfield, Burnett M. (R-Ill.) | Dec. 14, 1915–Mar. 3, 1917 | 1915–1917 |
| | | 1929–1933 |
| Chisholm, Shirley A. (D-N.Y.) | Jan. 19, 1977– | 1969– |
| Clark, J. Bayard (D-N.C.) | Jan. 1, 1935–Dec. 31, 1948 | 1929–1949 |
| Clark, James Beauchamp (Champ) (D-Mo.). | Mar. 15, 1909–Mar. 3, 1911 | 1893–1895 |
| | | 1897–1921 |
| Clawson, Delwin (R-Calif.) | Jan. 24, 1973–Sept. 26, 1978 | 1963–1978 |
| Colmer, William M. (D-Miss.) | Jan. 18, 1939–Aug. 2, 1946 | 1933–1973 |
| | Jan. 18, 1949–Oct. 19, 1972 | |
| Conger, Omar D. (R-Mich.) | Dec. 20, 1880–Mar. 3, 1881 | 1869–1881 |
| Conry, Michael F. (D-N.Y.) | Apr. 10, 1913–Dec. 4, 1913 | 1909–1917 |
| Cox, Edward E. (D-Ga.) | Dec. 15, 1931–Dec. 24, 1952 | 1925–1952 |
| Crisp, Charles F. (D-Ga.) | Dec. 16, 1891–Oct. 23, 1896 | 1883–1896 |
| Dale, Porter H. (R-Vt.) | May 19, 1919–Mar. 3, 1923 | 1915–1923 |

TABLE 2.—*Alphabetical Listing of Members of the House Rules Committee (1880–1982)*—Continued

| *Member* | *Committee service* [1] | *House service* |
|---|---|---|
| Dalzell, John (R-Pa.) | Dec. 21, 1895–Mar. 3, 1913 | 1887–1913 |
| DeArmond, David A. (D-Mo.) | Nov. 10, 1903–Mar. 3, 1909 | 1891–1909 |
| Delaney, James J. (D-N.Y.) | Jan. 18, 1949–July 7, 1952<br>Jan. 13, 1955–Oct. 15, 1978 | 1945–1947<br>1949–1978 |
| Delaney, John J. (D-N.Y.) | Jan. 18, 1939–Aug. 2, 1946 | 1918–1919<br>1931–1948 |
| Dempsey, John J. (D-N.M.) | Jan. 18, 1939–Jan. 3, 1941 | 1935–1941<br>1951–1958 |
| Denver, Matthew R. (D-Ohio) | Apr. 11, 1911–Mar. 3, 1913 | 1907–1913 |
| Derrick, Butler C., Jr. (D-S.C.) | Jan. 24, 1979– | 1975– |
| Dies, Martin Jr. (D-Tex.) | Jan. 11, 1935–Dec. 19, 1944 | 1931–1945<br>1953–1959 |
| Dixon, Lincoln (D-Ind.) | Mar. 25, 1910–Mar. 3, 1911 | 1905–1919 |
| Dodd, Christopher J. (D-Conn.) | Jan. 19, 1977–Dec. 16, 1980 | 1975–1980 |
| Driver, William J. (D-Ark.) | Mar. 13, 1933–June 16, 1938 | 1921–1939 |
| Elliott, Carl A. (D-Ala.) | Feb. 6, 1961–Oct. 3, 1964 | 1949–1965 |
| Ellsworth, Matthew Harris (R-Ore.). | Jan. 15, 1951–July 27, 1956 | 1943–1957 |
| Fassett, Jacob Sloat (R-N.Y.) | Mar. 25, 1910–Mar. 3, 1911 | 1905–1911 |
| Fess, Simeon D. (R-Ohio) | Apr. 26, 1918–Mar. 3, 1923 | 1913–1923 |
| Fish, Hamilton, Jr., (R-N.Y.) | Jan. 18, 1939–Dec. 19, 1944 | 1920–1945 |
| Fitzgerald, John J. (D-N.Y.) | Mar. 15, 1909–Mar. 3, 1911 | 1899–1917 |
| Fort, Franklin W. (R-N.J.) | Dec. 19, 1928–Mar. 3, 1931 | 1925–1931 |
| Foster, Martin D. (D-Ill.) | Apr. 11, 1911–Mar. 3, 1919 | 1907–1919 |
| Frost, Martin (D-Tex.) | Jan. 24, 1979– | 1979– |
| Frothingham, Louis A. (R-Mass.) | Dec. 12, 1927–Aug. 23, 1928 | 1921–1928 |
| Frye, William P. (R-Me.) | Mar. 19, 1879–Mar. 3, 1881 | 1871–1881 |
| Garfield, James A. (R-Ohio) | Mar. 19, 1879–Nov. 8, 1880 | 1863–1880 |
| Garrett, Daniel E. (D-Tex.) | Dec. 15, 1931–Dec. 13, 1932 | 1913–1915<br>1917–1919<br>1921–1932 |
| Garrett, Finis J. (D-Tenn.) | Apr. 11, 1911–Mar. 3, 1929 | 1905–1929 |
| Goldfogle, Henry M. (D-N.Y.) | Dec. 12, 1913–Mar. 3, 1915 | 1901–1915<br>1919–1921 |
| Greenwood, Arthur H. (D-Ind.) | Dec. 15, 1931–June 16, 1938 | 1923–1939 |
| Grosvenor, Charles H. (R-Ohio) | Dec. 7, 1899–Mar. 3, 1907 | 1885–1891<br>1893–1907 |
| Hall, Tony P. (D-Ohio) | Jan. 28 1981– | 1979– |
| Halleck, Charles A. (R-Ind.) | Jan. 11, 1940–Aug. 2, 1946 | 1935–1969 |
| Hardwick, Thomas W. (D-Ga.) | Apr. 11, 1911–Nov. 2, 1914 | 1903–1914 |
| Harlan, Byron B. (D-Ohio) | Jan. 11, 1935–June 16, 1938 | 1931–1939 |
| Harness, Forest A. (R-Ind.) | Jan. 9, 1947–Dec. 31, 1948 | 1939–1949 |
| Harrison, Byron P. (D-Miss.) | Dec. 14, 1915–Mar. 3, 1919 | 1911–1919 |
| Henderson, David B. (R-Iowa) | Dec. 21, 1895–Mar. 3, 1903 | 1883–1903 |
| Henry, Robert L. (D-Tex.) | Apr. 11, 1911–Mar. 3, 1917 | 1897–1917 |
| Herter, Christian A. (R-Mass.) | Jan. 14, 1947–Jan. 2, 1951 | 1943–1953 |
| Hiscock, Frank (R-N.Y.) | Dec. 9, 1885–Mar. 3, 1887 | 1877–1887 |
| Hoffman, Elmer J. (R-Ill.) | Feb. 13, 1961–June 16, 1964 | 1959–1965 |

## TABLE 2.—*Alphabetical Listing of Members of the House Rules Committee (1880–1982)*—Continued

| *Member* | *Committee service* [1] | *House service* |
|---|---|---|
| Johnson, Royal C. (R-S.D.) | May 19, 1919–Mar. 3, 1925 | 1915–1933 |
| Keifer, J. Warren (R-Ohio) | Dec. 21, 1881–Mar. 3, 1885 | 1877–1885<br>1905–1911 |
| Kelly, Melville C. (D-Pa.) | Apr. 10, 1913–Mar. 3, 1915<br>Apr. 2, 1917–Mar. 3, 1919 | 1913–1915<br>1917–1935 |
| Kreider, Aaron S. (R-Pa.) | May 19, 1919–Mar. 3, 1923 | 1913–1923 |
| Latham, Henry J. (R-N.Y.) | Jan. 15, 1951–Dec. 31, 1958 | 1945–1958 |
| Latta, Delbert L. (R-Ohio) | Aug. 31, 1965– | 1959– |
| Lawrence, George P. (R-Mass.) | Mar. 25, 1910–Mar. 3, 1911 | 1897–1913 |
| Lehlbach, Frederick R. (R-N.J.) | Mar. 13, 1933–June 20, 1936 | 1915–1937 |
| Lenroot, Irvine L. (R-Wis.) | Apr. 11, 1911–Apr. 17, 1918 | 1909–1918 |
| Lewis, Lawrence (D-Colo.) | Jan. 11, 1935–Dec. 9, 1943 | 1933–1943 |
| Long, Gillis W. (D-La.) | Jan. 24, 1973– | 1963–1965<br>1973– |
| Lott, Trent (R-Miss.) | Jan. 28, 1975– | 1973– |
| Lyle, John E., Jr. (D-Tex.) | Jan. 18, 1949–Dec. 2, 1954 | 1945–1955 |
| McKinley, William, Jr., (R-Ohio) | Dec. 5, 1889–Mar. 3, 1891 | 1877–1884<br>1885–1891 |
| McLean, Donald H. (R-N.J.) | Jan. 14, 1937–June 16, 1938 | 1933–1945 |
| McMillan, Thomas S. (D-S.C.) | Dec. 15, 1931–Mar. 3, 1933 | 1925–1939 |
| McMillin, Benton (D-Tenn.) | June 12, 1890–Mar. 3. 1893<br>Dec. 21, 1895–Jan. 6, 1899 | 1879–1899 |
| McSpadden, Clem Rogers (D-Okla.). | Jan. 24,1973–Dec. 20, 1974 | 1973–1975 |
| McSweeney, John (D-Ohio) | Jan. 18, 1949–Jan. 2, 1951 | 1923–192[illegible]<br>1937–1939<br>1949–1951 |
| Madden, Ray J. (D-Ind.) | Jan. 18, 1949–Oct. 1, 1976 | 1943–1977 |
| Madison, Edmond H. (R-Kans.) | Apr. 11, 1911–Sept. 18, 1911 | 1907–1911 |
| Mapes, Carl E. (R-Mich.) | Mar. 13, 1933–Dec. 12, 1939 | 1913–1939 |
| Martin, David T. (R-Neb.) | June 24, 1964–Dec. 20, 1974 | 1961–1974 |
| Martin, Joseph W., Jr. (R-Mass.) | Dec. 19, 1928–June 16, 1938 | 1925–1967 |
| Matsunaga, Spark M. (D-Hawaii) | Jan. 18, 1967–Oct. 1, 1976 | 1963–1977 |
| Meeds, Lloyd (D-Wash.) | Jan. 19, 1977–Oct. 15, 1978 | 1965–1979 |
| Merritt, Edwin A. (R-N.Y.) | Apr. 10, 1913–Dec. 4, 1914 | 1912–1914 |
| Michener, Earl C. (R-Mich.) | Dec. 7, 1925–Mar. 3, 1933<br>Jan. 11, 1940–Aug. 2, 1946 | 1919–1933<br>1935–1951 |
| Mills, Roger Q. (D-Tex.) | Dec. 19, 1887–Mar. 3, 1889<br>June 11, 1890–June 12, 1890 | 1873–1892 |
| Mitchell, Hugh B. (D-Wash.) | Jan. 12, 1951–July 7, 1952 | 1949–1953 |
| Moakley, John Joseph (D-Mass.)[2] | Jan. 20, 1975– | 1973– |
| Moore, Allen F. (R-Ill.) | Dec. 17, 1923–Mar. 3, 1925 | 1921–1925 |
| Morrison, William Ralls (D-Ill.) | Dec. 9, 1885–Mar. 3, 1887 | 1863–1865<br>1873–1887 |
| Murphy, Morgan F. (D-Ill.) | Jan. 24, 1973–Dec. 16, 1980 | 1971–1980 |
| Nelson, John M. (R-Wis.) | Dec. 17, 1923–Mar. 3, 1925 | 1906–1919<br>1921–1933 |

TABLE 2.—*Alphabetical Listing of Members of the House Rules Committee (1880–1982)*—Continued

| *Member* | *Committee service* [1] | *House service* |
|---|---|---|
| Nelson, William L. (D-Mo.) | Jan. 3, 1939–Dec. 16, 1942 | 1919–1921<br>1925–1933<br>1935–1943 |
| Nichols, John Conover ("Jack") (D-Okla.). | Jan. 22, 1941–July 3, 1943 | 1935–1943 |
| Nicholson, Donald W. (R-Mass.) | Jan. 14, 1953–Dec. 2, 1954 | 1947–1959 |
| O'Connor, John J. (D-N.Y.) | Dec. 17, 1923–June 16, 1938 | 1923–1939 |
| O'Neill, Thomas P., Jr., (D-Mass.) | Jan. 13, 1955–Oct. 18, 1972 | 1953– |
| Orth, Godlove S. (R-Ind.) | Dec. 21, 1881–Jan. 5, 1882 | 1863–1871<br>1873–1875<br>1879–1882 |
| Outhwaite, Joseph Hodson (D-Ohio). | Aug. 10, 1893–Mar. 3, 1895 | 1885–1895 |
| Patten,Thomas G. (D-N.Y.) | Dec. 14, 1915–Mar. 3, 1917 | 1911–1917 |
| Pepper, Claude D. (D-Fla.) | Jan. 18, 1965– | 1963– |
| Pou, Edward W. (D-N.C.) | Apr. 11, 1911–Apr. 1, 1934 | 1901–1934 |
| Purnell, Fred S. (R-Ind.) | Dec. 7, 1925–Mar. 3, 1933 | 1917–1933 |
| Quillen, James H. (R-Tenn.) | Jan. 21, 1965– | 1963– |
| Ramseyer, C. William (R-Iowa) | Dec. 16, 1925–Jan. 24, 1929 | 1915–1933 |
| Randall, Samuel J. (D-Pa.) | Mar. 19, 1879–Apr. 13, 1890 | 1863–1890 |
| Ransley, Harry C. (R-Pa.) | Dec. 7, 1925–June 20, 1936 | 1920–1937 |
| Reece, B. Carroll (R-Tenn.) | Jan. 14, 1953–Dec. 2, 1954<br>Jan. 15, 1959–Mar. 19, 1961 | 1921–1931<br>1933–1947<br>1951–1961 |
| Reed, Thomas B. (R-Me.) | Jan. 9, 1882–Mar. 3, 1899 | 1877–1899 |
| Rhodes, John J. (R-Ariz.) | Jan. 28, 1981– | 1953– |
| Rich, Robert F. (R-Pa.) | Jan. 9, 1947–Dec. 31, 1948 | 1930–1943<br>1945–1951 |
| Richardson, James D. (D-Tenn.) | Jan. 10, 1899–Mar. 3, 1903 | 1885–1905 |
| Riordan, Daniel J. (D-N.Y.) | Apr. 2, 1917–Mar. 3, 1923 | 1899–1901<br>1906–1923 |
| Rizley, Ross (R-Okla.) | Jan. 9, 1947–Dec. 31, 1948 | 1941–1949 |
| Robeson, George M. (R-N.J.) | Dec. 21, 1881–Mar. 3, 1883 | 1879–1883 |
| Rodenberg, William A. (R-Ill.) | Dec. 15, 1917–Mar. 3, 1923 | 1899–1901<br>1903–1913<br>1915–1923 |
| Sabath, Adolph J. (D-Ill.) | Dec. 12, 1929–Nov. 6, 1952 | 1907–1952 |
| St. George, Katherine (R-N.Y.) | Feb. 13, 1961–Oct. 3, 1964 | 1947–1965 |
| Schall, Thomas D. (D-Minn.) | Apr. 2, 1917–Mar. 3, 1925 | 1915–1925 |
| Scott, Frank D. (R-Mich.) | Dec. 17, 1923–Mar. 3, 1925 | 1915–1927 |
| Scott, Hugh D., Jr. (R-Pa.) | Jan. 14, 1953–Dec. 2, 1954<br>Jan. 16, 1957–Aug. 24, 1958 | 1941–1945<br>1947–1959 |
| Sherman, James S. (R-N.Y.) | Dec. 12, 1907–Mar. 3, 1909 | 1887–1891<br>1893–1909 |
| Sisk, B. F. (D-Calif.) | Feb. 6, 1961–Oct. 15, 1978 | 1955–1979 |
| Slaughter, Roger C. (D-Mo.) | Feb. 17, 1944–Aug. 2, 1946 | 1943–1947 |
| Smith, H. Allen (R-Calif.) | Feb. 13, 1961–Oct. 18, 1972 | 1957–1973 |
| Smith, Howard W. (D-Va.) | Mar. 13, 1933–Oct. 22, 1966 | 1931–1967 |

## TABLE 2.—*Alphabetical Listing of Members of the House Rules Committee (1880–1982)*—Continued

| *Member* | *Committee service* [1] | *House service* |
|---|---|---|
| Smith, Sylvester C. (R-Calif.) | Mar. 25, 1910–Mar. 3, 1911 | 1905–1913 |
| Smith, Walter I. (R-Iowa) | Mar. 15, 1909–Mar. 3, 1911 | 1900–1911 |
| Snell, Bertrand H. (R-N.Y.) | Apr. 18, 1917–Mar. 3, 1931 | 1915–1939 |
| Sproul, Elliott W. (R-Ill.) | Dec. 12, 1929–Mar. 3, 1931 | 1921–1931 |
| Stanley, Augustus O. (D-Ky.) | Apr. 11, 1911–Mar. 3, 1913 | 1903–1915 |
| Stephens, Alexander H. (D-Ga.) | Mar. 19, 1879–Mar. 3, 1881 | 1843–1859<br>1873–1882 |
| Taylor, Gene (R-Mo.) | May 14, 1980– | 1972– |
| Taylor, J. Willis (R-Tenn.) | Jan. 14, 1937–Nov. 14, 1939 | 1919–1939 |
| Thornberry, W. Homer (D-Tex.) | Jan. 13, 1955–Dec. 10, 1963 | 1949–1963 |
| Thurston, Lloyd (R-Iowa) | Apr. 16, 1929–Mar. 3, 1931 | 1925–1939 |
| Trimble, James W. (D-Ark.) | Jan. 13, 1955–Oct. 22, 1966 | 1945–1967 |
| Underwood, Oscar W. (D-Ala.) | Dec. 3, 1901–Mar. 3, 1903<br>Mar. 25, 1910–Mar. 3, 1911 | 1895–1896<br>1897–1915 |
| Wadsworth, James W., Jr. (R-N.Y.). | Jan. 9, 1947–Jan. 2, 1951 | 1933–1951 |
| White, Wallace H., Jr. (R-Me.) | Dec. 7, 1925–Mar. 3, 1927 | 1917–1931 |
| Williams, John S. (D-Miss.) | Nov. 10, 1903–Mar. 3, 1909 | 1893–1909 |
| Williams, Thomas S. (R-Ill.) | Dec. 7, 1925–Nov. 11, 1929 | 1915–1929 |
| Williamson, William (R-S.D.) | Dec. 7, 1925–Dec. 11, 1925 | 1921–1933 |
| Wilson, William W. (R-Ill.) | Apr. 11, 1911–Mar. 13, 1913 | 1903–1913<br>1915–1921 |
| Wood, William R. (R-Ind.) | Apr. 18, 1917–Dec. 15, 1917 | 1915–1933 |
| Young, Andrew J. (D-Ga.) | Jan. 20, 1975–Oct. 1, 1976 | 1973–1977 |
| Young, John A. (D-Tex.) | Jan. 18, 1965–Oct. 15, 1978 | 1957–1979 |
| Zeferetti, Leo C. (D-N.Y.) | Jan. 24, 1979– | 1975– |

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[1] Except for instances of Member death, resignation from committee, or resignation from the House, Committee service ending date is generally the sine die adjournment of a Congress, although standing committees technically continue through the constitutional termination of a Congress. Table 1 provides data on Member deaths or resignations during a session of Congress.

[2] Independent Democrat from 1973–1975; Democrat from 1975.

## TABLE 3.—*Chronological Listing of Chairmen and Ranking Minority Members of the House Rules Committee (1880–1982)*

| *Congress* | *Chairman* | *Ranking minority member* |
|---|---|---|
| 46th; 1879–1881 | Samuel J. Randall (D-Pa.)* | James A. Garfield (R-Ohio) [1]<br>William P. Frye (R-Me.) [1] |
| 47th; 1881–1883 | J. Warren Kiefer (R-Ohio)* | Samuel J. Randall (D-Pa.) |
| 48th; 1883–1885 | John Griffin Carlisle (D-Ky.)* | J. Warren Keifer (R-Ohio) |
| 49th–50th; 1885–1889. | John Griffin Carlisle (D-Ky.)* | Thomas B. Reed (R-Me.) |
| 51st; 1889–1891 | Thomas B. Reed (R-Me.)* | John Griffin Carlisle (D-Ky.) [2]<br>James H. Blount (D-Ga.) [2] |
| 52d–53d; 1891–1895. | Charles F. Crisp (D-Ga.)* | Thomas B. Reed (R-Me.) |
| 54th; 1895–1897 | Thomas B. Reed (R-Me.)* | Charles F. Crisp (D-Ga.) [3]<br>Benton McMillin (D-Tenn.) [3] |
| 55th; 1897–1899 | Thomas B. Reed (R-Me.)* | Joseph W. Bailey (D-Tex.) |
| 56th–57th; 1899–1903. | David B. Henderson (R-Iowa)*. | James D. Richardson (D-Tenn.) |
| 58th–60th; 1903–1909. | Joseph G. Cannon (R-Ill.)* | John S. Williams (D-Miss.) |
| 61st; 1909–1911 | do * [4]<br>John Dalzell (R-Pa.) [4] | Champ Clark * (D-Mo.) |
| 62d; 1911–1913 | Robert L. Henry (D-Tex.) | John R. Dalzell (R-Pa.) |
| 63d–64th; 1913–1917. | do | Philip P. Campbell (R-Kans.) |
| 65th; 1917–1919 | Edward W. Pou (D-N.C.) | Do. |
| 66th–67th; 1919–1923. | Philip P. Campbell (R-Kans.) | Edward W. Pou (D-N.C.) |
| 68th–71st; 1923–1931. | Bertrand H. Snell (R-N.Y.) | Do. |
| 72d; 1931–1933 | Edward W. Pou (D-N.C.) [5] | Fred S. Purnell (R-Ind.) |
| 73d; 1933–1934 | do [5] | Harry C. Ransley (R-Pa.) |
| 73d; 1934 | William B. Bankhead (D-Ala.)* [5]. | Do. |
| 74th; 1935–1936 | John J. O'Connor (D-N.Y.) | Do. |
| 75th; 1937–1938 | do | Joseph W. Martin, Jr. (R-Mass.) |
| 76th; 1939–1941 | Adolph J. Sabath (D-Ill.) | Carl E. Mapes * (R-Mich.) [6]<br>Hamilton Fish, Jr. (R-N.Y.) [6] |
| 77th–78th; 1941–1944. | do | Do. |
| 79th; 1945–1946 | do | Leo E. Allen (R-Ill.) |
| 80th; 1947–1948 | Leo E. Allen (R-Ill.) | Adolph J. Sabath (D-Ill.) |
| 81st–82d; 1949–1952. | Adolph J. Sabath (D-Ill.) | Leo E. Allen (R-Ill.) |
| 83d; 1953–1954 | Leo E. Allen (R-Ill.) | Howard W. Smith (D-Va.) |
| 84th–86th; 1955–1960. | Howard W. Smith (D-Va.) | Leo E. Allen (R-Ill.) |
| 87th–89th; 1961–1966. | do | Clarence J. Brown (R-Ohio) |

TABLE 3.—*Chronological Listing of Chairmen and Ranking Minority Members of the House Rules Committee (1880–1982)*—Continued

| *Congress* | *Chairman* | *Ranking minority member* |
|---|---|---|
| 90th–92d; 1967–1972. | William M. Colmer (D-Miss.) | H. Allen Smith (R-Calif.) |
| 93d; 1973–1974 | Ray J. Madden (D-Ind.) | David T. Martin (R-Nebr. |
| 94th; 1975–1976 | ......do | James H. Quillen (R-Tenn.) |
| 95th; 1977–1978 | James J. Delaney (D-N.Y.) | Do. |
| 96th–97th; 1979–1982. | Richard W. Bolling (D-Mo.) | Do. |

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[*] Speaker of the House.

[1] Resigned from the House on November 8, 1880; William P. Frye was the ranking minority member for the remainder of the Congress.

[2] Resigned from the House on May 26, 1890; James H. Blount was the ranking minority member for the remainder of the Congress.

[3] Died on October 23, 1896; Benton McMillin was the ranking minority member for the remainder of the Congress.

[4] On March 19, 1910, the House adopted H. Res. 502, which prohibited the Speaker of the House from serving on the Committee. Pursuant to the adoption of H. Res. 502, the Rules Committee was reconstituted on March 25, 1910, (H. Res. 506) and John Dalzell was elected Chairman of the Committee.

[5] Died on April 1, 1934; William Bankhead was elected Chairman of the Committee on April 5, 1934.

[6] Died on December 12, 1939; Hamilton Fish was the ranking minority member for the remainder of the Congress.

TABLE 4.—*Alphabetical Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Committee on Rules, 1880–1981*

| *Member* | *House service* | *Committee service* | *Other position* | *Dates served in other position* |
|---|---|---|---|---|
| Anderson, John B. (R-Ill.) | 1961–1980 | 1964–1980 | Chairman, House Republican Conference | 1969–1979 |
| Avery, William H. (R-Kans.) | 1955–1965 | 1961–1964 | Governor | 1965–1967 |
| Bailey, Joseph W. (D-Tex.) | 1891–1901 | 1897–1901 | United States Senator | 1901–1913 |
| Bankhead, William B. (D-Ala.) | 1917–1940 | 1923–1934 | House Majority Leader | 1935–1936 |
| | | | Speaker of the U.S. House of Representatives | 1936–1940 |
| Blackburn, Joseph C. S. (D-Ky.) | 1875–1885 | 1879–1885 | United States Senator | 1885–1897 |
| | | | | 1901–1907 |
| | | | Minority Leader of the Senate | 1906–1907 |
| | | | Governor of the Canal Zone, Isthmus of Panama | 1907–1909 |
| Blount, James H. (D-Ga.) | 1873–1893 | 1890–1891 | Commissioner to the Hawaiian Islands | 1893– |
| Boutell, Henry S. (R-Ill.) | 1897–1893 | 1910–1911 | Envoy Extraordinary and Minister Plenipotentiary to Portugal. | 1911– |
| | | | Envoy Extraordinary and Minister Plenipotentiary to Switzerland. | 1911–1913 |
| Brown, Clarence J. (R-Ohio) | 1939–1965 | 1943–1965 | Lieutenant Governor | 1919–1923 |
| | | | Secretary of State for Ohio | 1927–1933 |
| Budge, Hamer H. (R-Idaho) | 1951–1961 | 1959–1960 | Judge of the Third Judicial District of Idaho | 1961–1964 |
| | | | Member, Securities and Exchange Commission | 1964–1969 |
| | | | Chairman, Securities and Exchange Commission | 1969–1971 |
| Burrows, Julius (R-Mich.) | 1873–1875 | 1891–1895 | United States Senator | 1895–1911 |
| | 1879–1883 | | Vice Chairman, National Monetary Commission | 1908–1912 |
| | 1885–1895 | | | |

| | | | | |
|---|---|---|---|---|
| Burton, Theodore E. (R-Ohio) | 1889–1891<br>1895–1909<br>1921–1928 | 1923–1928 | Chairman, Inland Waterways Commission<br>Member, National Waterways Commission<br>Member, National Monetary Commission<br>United States Senator | 1907–1908<br>1908–1912<br>1908–1912<br>1909–1915<br>1928–1929 |
| Cannon, Joseph G. (R-Ill.) | 1873–1891<br>1893–1913<br>1915–1923 | 1887–1891<br>1895<br>1903–1910 | Speaker of the U.S. House of Representatives | 1903–1911 |
| Carlisle, John G. (D-Ky.) | 1877–1890 | 1883–1890 | Lieutenant Governor<br>Speaker of the U.S. House of Representatives<br>United States Senator<br>Secretary of the Treasury | 1871–1875<br>1883–1889<br>1890–1893<br>1893–1897 |
| Catchings, Thomas C. (D-Miss.) | 1885–1901 | 1891–1895 | Attorney General of the State of Mississippi | 1877–1885 |
| Clark, James Beauchamp ("Champ") (D-Mo.) | 1893–1895<br>1897–1921 | 1909–1911 | House Minority Leader<br>Speaker of the U.S. House of Representatives | 1919–1921<br>1911–1919 |
| Conger, Omar D. (R-Mich.) | 1869–1881 | 1880–1881 | United States Senator | 1881–1887 |
| Crisp, Charles F. (D-Ga.) | 1883–1896 | 1891–1896 | Speaker of the U.S. House of Representatives | 1891–1895 |
| Dale, Porter H. (R-Vt.) | 1915–1923 | 1919–1923 | United States Senator | 1923–1933 |
| DeArmond, David A. (D-Mo.) | 1891–1909 | 1903–1909 | Commissioner, Missouri Supreme Court<br>Judge of the Twenty-Second Judicial Circuit of Missouri. | 1884<br>1886–1890 |
| Dempsey, John J. (D-N.M.) | 1935–1941<br>1951–1958 | 1939–1941 | Member, U.S. Maritime Commission<br>Under Secretary of the Interior<br>Governor | 1941<br>1941–1942<br>1943–1947 |
| Dixon, Lincoln (D-Ind.) | 1905–1919 | 1910–1911 | Member, U.S. Tariff Commission | 1927–1930<br>1931–1932 |
| Dodd, Christopher J. (D-Conn.) | 1975–1980 | 1977–1980 | United States Senator | 1981– |
| Driver, William J. (D-Ark.) | 1921–1939 | 1933–1938 | Judge of the Second Judicial Circuit of Arkansas | 1911–1918 |
| Ellsworth, Matthew H. (R-Ore.) | 1943–1957 | 1955–1956 | Chairman, Civil Service Commission | 1957–1959 |

TABLE 4.—*Alphabetical Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Committee on Rules, 1880–1981*—Continued

| *Member* | *House service* | *Committee service* | *Other position* | *Dates served in other position* |
|---|---|---|---|---|
| Fess, Simeon D. (R-Ohio) | 1913–1923 | 1918–1923 | United States Senator | 1923–1935 |
| | | | Minority Whip, U.S. Senate | 1929–1933 |
| | | | Chairman, Republican National Committee | 1930–1932 |
| Fort, Franklin W. (R-N.J.) | 1925–1931 | 1928–1931 | Chairman, Federal Home Loan Bank Board | 1932–1933 |
| Frothingham, Louis A. (R-Mass.) | 1921–1928 | 1927–1928 | Lieutenant Governor | 1909–1911 |
| Frye, William P. (R-Me.) | 1871–1881 | 1879–1881 | Attorney General of the State of Maine | 1867–1869 |
| | | | United States Senator | 18811911 |
| | | | President pro tempore of the U.S. Senate | 1896–1911 |
| Garfield, James A. (R-Ohio) | 1863–1880 | 1879–1880 | President of the United States | 1881 |
| Garrett, Finis J. (D-Tenn.) | 1905–1929 | 1911–1929 | House Minority Leader | 1923–1929 |
| | | | Judge of the U.S. Court of Customs and Patent Appeals (Presiding Judge). | 1929–1937 |
| Greenwood, Arthur H. (D-Ind.) | 1923–1939 | 1931–1938 | House Minority Whip | 1931–1933 |
| Halleck, Charles A. (R-Ind.) | 1935–1969 | 1940–1946 | House Majority Leader | 1947–1949 |
| | | | House Minority Leader | 1953–1955<br>1959–1965 |
| Hardwick, Thomas W. (D-Ga.) | 1903–1914 | 1911–1914 | United States Senator | 1914–1919 |
| | | | Governor | 1921–1923 |
| Harlan, Byron B. (D-Ohio) | 1931–1939 | 1935–1938 | U.S. District Attorney for Southern Ohio | 1944–1946 |
| | | | Judge of the Tax Court of the United States | 1946–1949 |
| Harness, Forest A. (R-Ind.) | 1939–1949 | 1947–1949 | Sergeant At Arms for the United States Senate | 1953–1955 |
| Harrison, Byron P. (D-Miss.) | 1911–1919 | 1915–1919 | United States Senator | 1919–1941 |
| | | | President pro tempore of the United States Senate | 1941 |
| Henderson, David B. (R-Iowa) | 1883–1903 | 1895–1903 | Speaker of the U.S. House of Representatives | 1899–1903 |

| | | | | |
|---|---|---|---|---|
| Henry, Robert Lee (D-Tex.) | 1897–1917 | 1911–1917 | Assistant Attorney General of the State of Texas | 1893–1896 |
| Herter, Christian A. (R-Mass.) | 1943–1953 | 1947–1951 | Governor | 1953–1957 |
| | | | Under Secretary of State | 1957–1959 |
| | | | President's Special Representative for Trade Negotiations. | 1959–1961 |
| Hiscock, Frank (R-N.Y.) | 1877–1887 | 1885–1887 | United States Senator | 1887–1893 |
| Keifer, J. Warren (R-Ohio) | 1877–1885 | 1881–1885 | Speaker of the U.S. House of Representatives | 1881–1883 |
| | 1905–1911 | | | |
| Latham, Henry J. (R-N.Y.) | 1945–1958 | 1951–1958 | Justice, N.Y. Supreme Court | 1958–1978 |
| | | | Justice, Appellate Division of the N.Y. State Supreme Court, Second Judicial Department (concurrent service). | 1970–1978 |
| Lenroot, Irvine L. (R-Wis.) | 1909–1918 | 1911–1918 | United States Senator | 1918–1927 |
| | | | Judge of the U.S. Court of Customs and Patent Appeals. | 1929–1944 |
| Long, Gillis W. (D-La.) | 1963–1965 | 1973– | Assistant Director, Office for Economic Opportunity. | 1965–1966 |
| | 1973– | | Chairman, House Democratic Caucus | 1981– |
| Lott, Trent (R-Miss.) | 1973– | 1975– | House Minority Whip | 1981– |
| McKinley, William, Jr. (R-Ohio) | 1877–1883 | 1889–1891 | Governor | 1892–1896 |
| | 1883–1884 | | President of the United States | 1897–1901 |
| | 1885–1891 | | | |
| McLean, Donald H. (R-N.J.) | 1933–1945 | 1937–1938 | Judge of the New Jersey Court of Errors and Appeals. | 1946–1948 |
| | | | Judge of the New Jersey Superior Court | 1948–1954 |
| McMillin, Benton (D-Tenn.) | 1879–1899 | 1890–1893 | Governor | 1899–1903 |
| | | | Envoy Extraordinary and Minister Plenipotentiary to Peru. | 1913–1919 |
| | | | Envoy Extraordinary and Minister Plenipotentiary to Guatemala. | 1919–1922 |
| Madison, Edmond H. (R-Kans.) | 1907–1911 | 1911 | Judge of the Thirty-first Judicial District of Kansas | 1900–1906 |

TABLE 4.—*Alphabetical Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Committee on Rules, 1880–1981*—Continued

| *Member* | *House service* | *Committee service* | *Other position* | *Dates served in other position* |
|---|---|---|---|---|
| Martin, Joseph W., Jr. (R-Mass.) | 1925–1967 | 1928–1938 | House Minority Leader | 1939–1947<br>1949–1953<br>1955–1959 |
| | | | Speaker of the U.S. House of Representatives | 1947–1949<br>1953–1955 |
| | | | Chairman, Republican National Committee | 1955–1959 |
| Matsunaga, Spark (D-Haw.) | 1963–1977 | 1967–1976 | United States Senator | 1977– |
| Mills, Roger Q. (D-Tex.) | 1873–1892 | 1887–1890 | ......do | 1892–1899 |
| Mitchell, Hugh B. (D-Wash.) | 1949–1953 | 1951–1952 | ......do | 1945–1946 |
| Morrison, William R. | 1863–1865<br>1873–1887 | 1885–1887 | Member, Interstate Commerce Commission | 1887–1897 |
| O'Neill, Thomas P. ("Tip"), Jr. (D-Mass.) | 1953– | 1955–1972 | House Majority Whip | 1971–1973 |
| | | | House Majority Leader | 1973–1977 |
| | | | Speaker of the U.S. House of Representatives | 1977– |
| Orth, Godlove S. | 1863–1871<br>1873–1875<br>1879–1892 | 1881–1882 | Envoy Extraordinary and Minister Plenipotentiary to Austria-Hungary. | 1875–1876 |
| Pepper, Claude D. (D-Fla.) | 1963– | 1965– | United States Senator | 1936–1951 |
| Ramseyer, C. William (R-Iowa) | 1915–1933 | 1925–1929 | Commissioner for the U.S. Court of Claims | 1933–1943 |
| Randall, Samuel J. (D-Pa.) | 1863–1890 | 1879–1890 | Speaker of the U.S. House of Representatives | 1876–1881 |
| Reed, Thomas B. (R-Me.) | 1877–1899 | 1882–1899 | Attorney General of the State of Maine | 1870–1872 |
| | | | Speaker of the U.S. House of Representatives | 1889–1891<br>1895–1899 |

|  |  |  |  |  |
|---|---|---|---|---|
| Rhodes, John J. (R-Ariz.) | 1953– | 1981– | House Minority Leader | 1973–1980 |
| Richardson, James D. (D-Tenn.) | 1885–1905 | 1899–1903 | ......do | 1899–1903 |
| Rizley, Ross (R-Okla.) | 1941–1949 | 1947–1948 | Assistant Secretary of Agriculture | 1953–1954 |
|  |  |  | Member, Civil Aeronautic Board | 1955–1956 |
|  |  |  | Judge of the U.S. District Court for the Western District of Oklahoma. | 1956–1969 |
| Robeson, George M. (R-N.J.) | 1879–1883 | 1881–1883 | Attorney General of the State of New Jersey | 1867–1869 |
|  |  |  | Secretary of the Navy | 1869–1877 |
| Rodenberg, William A. (R-Ill.) | 1899–1901<br>1903–1913<br>1915–1923 | 1917–1923 | Member, U.S. Civil Service Commission | 1901–1902 |
| Schall, Thomas D. (D-Minn.) | 1915–1925 | 1917–1925 | United States Senator | 1925–1935 |
| Scott, Hugh D., Jr. (R-Pa.) | 1941–1945 | 1953–1954 | Chairman, Republican National Committee | 1948–1949 |
|  | 1947–1959 | 1957–1958 | United States Senator | 1959–1977 |
|  |  |  | Senate Minority Whip | 1969 |
|  |  |  | Senate Minority Leader | 1969–1977 |
| Sherman, James S. (R-N.Y.) | 1887–1891<br>1893–1909 | 1907–1909 | Vice President of the United States | 1909–1912 |
| Smith, Howard W. (D-Va.) | 1931–1967 | 1933–1966 | Judge of the Sixteenth Judicial Circuit of Virginia | 1928–1930 |
| Smith, Walter I. (R-Iowa) | 1900–1911 | 1909–1911 | U.S. Circuit Judge of the Eighth Judicial Circuit of the U.S. Court of Appeals. | 1911–1922 |
| Snell, Bertrand H. (R-N.Y.) | 1915–1939 | 1917–1931 | House Minority Leader | 1931–1939 |
| Stanley, Augustus O. (D-Ky.) | 1903–1915 | 1911–1913 | Governor | 1915–1919 |
|  |  |  | United States Senator | 1919–1925 |
|  |  |  | Member, International Joint Commission (Chairman). | 1930–1933<br>1933–1954 |
| Stephens, Alexander H. (D-GA.) | 1843–1859<br>1873–1882 | 1879–1881 | Vice President of the Confederate States of America. | 1861–1865 |
|  |  |  | Governor | 1882–1883 |

TABLE 4.—*Alphabetical Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Committee on Rules, 1880–1981*—Continued

| *Member* | *House service* | *Committee service* | *Other position* | *Dates served in other position* |
|---|---|---|---|---|
| Thornberry, W. Homer (D-Tex.) | 1949–1963 | 1955–1963 | U.S. District Judge for the Western District of Texas. | 1963–1965 |
| | | | U.S. Circuit Judge for the Fifth Judicial Circuit of the U.S. Court of Appeals. | 1965 |
| Trimble, James W. (D-Ark.) | 1945–1967 | 1955–1966 | Judge of the Fourth Judicial District of Arkansas | 1938–1944 |
| Underwood, Oscar W. (D-Ala.) | 1895–1896<br>1897–1915 | 1901–1903<br>1910–1911 | House Majority Leader | 1911–1915 |
| | | | United States Senator | 1915–1927 |
| | | | Senate Minority Leader | 1920–1923 |
| Wadsworth, James W., Jr. (R-N.Y.) | 1933–1951 | 1947–1951 | United States Senator | 1915–1927 |
| | | | Senate Minority Whip | 1915 |
| | | | Chairman, National Security Training Commission | 1951–1952 |
| White, Wallace H., Jr. (R-Me.) | 1917–1931 | 1925–1927 | United States Senator | 1931–1949 |
| | | | Senate Minority Leader | 1945–1947 |
| | | | Senate Majority Leader | 1947–1949 |
| Williams, John S. (D-Miss.) | 1893–1909 | 1903–1909 | House Minority Leader | 1903–1908 |
| | | | United States Senator | 1911–1923 |
| Williams, Thomas S. (R-Ill.) | 1915–1929 | 1925–1929 | Judge of the Court of Claims of the United States | 1929–1940 |
| Williamson, William (R-S.D.) | 1921–1933 | 1925 | Circuit Judge of the Eleventh Judicial District of Idaho. | 1911–1921 |
| Young, Andrew J. (D-Ga.) | 1973–1977 | 1975–1976 | United States Ambassador to the United Nations | 1977–1979 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| PRESIDENTS AND VICE PRESIDENTS OF THE UNITED STATES OR THE CONFEDERATE STATES OF AMERICA | | | | |
| President of the United States | Garfield, James A. (R-Ohio) | 1863–1880 | 1879–1880 | 1881 |
| Do | McKinley, William, Jr. (R-Ohio) | 1877–1883<br>1883–1884<br>1885–1891 | 1889–1891 | 1897–1901 |
| Vice President of the United States | Sherman, James S. (R-N.Y.) | 1887–1891<br>1893–1909 | 1907–1909 | 1909–1912 |
| Vice President of the Confederate States of America. | Stephens, Alexander H. (D-Ga.) | 1843–1859<br>1873–1882 | 1879–1881 | 1861–1865 |
| CABINET AND SUBCABINET OFFICERS AND UNITED STATES AMBASSADORS TO THE UNITED NATIONS | | | | |
| Secretary of the Navy | Robeson, George M. (R-N.J.) | 1879–1883 | 1881–1883 | 1869–1877 |
| Secretary of the Treasury | Carlisle, John (D-Ky.) | 1877–1890 | 1883–1890 | 1893–1897 |
| Secretary of State | Herter, Christian A. (R-Mass.) | 1943–1953 | 1947–1951 | 1959–1961 |
| Ambassador to the United Nations | Young, Andrew J. (D-Ga.) | 1973–1977 | 1975–1976 | 1977–1979 |
| Undersecretary of State | Herter, Christian A. (R-Mass.) | 1943–1953 | 1947–1951 | 1959–1961 |
| Undersecretary of the Interior | Dempsey, John J. (D-N.M.) | 1935–1941<br>1951–1958 | 1939–1941 | 1941–1942 |
| Assistant Secretary of Agriculture | Rizley, Ross (R-Okla.) | 1941–1949 | 1947–1948 | 1953–1954 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*—Continued

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| FEDERAL JUDGES | | | | |
| U.S. Circuit Judge for the Eight Judicial Circuit of the U.S. Court of Appeals. | Smith, Walter I. (R-Iowa) | 1900–1911 | 1909–1911 | 1911–1922 |
| U.S. Circuit Judge for the Fifth Judicial Circuit of the U.S. Court of Appeals. | Thornberry, W. Homer (D-Tex.) | 1949–1963 | 1955–1963 | 1965– |
| U.S. District Judge for the Western District of Oklahoma. | Rizley, Ross (R-Okla.) | 1941–1949 | 1947–1948 | 1956–1969 |
| U.S. District Judge for the Western District of Texas. | Thornberry, W. Homer (D-Tex.) | 1949–1963 | 1955–1963 | 1963–1965 |
| Judge of the Court of Claims of the United States | Williams, Thomas S. (R-Ill.) | 1915–1929 | 1925–1929 | 1929–1940 |
| Judge of the U.S. Court of Customs and Patent Appeals (Presiding Judge). | Garrett, Finis J. (D-Tenn.) | 1905–1929 | 1911–1929 | 1929–1937<br>1937–1955 |
| Judge of the U.S Court of Customs and Patent Appeals. | Lenroot, Irvine L. (R-Wis.) | 1909–1918 | 1911–1918 | 1929–1944 |
| Judge of the Tax Court of the United States | Harlan, Byron B. (D-Ohio) | 1931–1939 | 1935–1938 | 1946–1949 |
| UNITED STATES SENATORS AND PRESIDENTS PRO TEMPORE | | | | |
| President Pro Tempore of the United States Senate | Frye, William P. (R-Me.) | 1871–1881 | 1879–1881 | 1896–1911 |
| Do | Harrison, Byron P. (D-Miss.) | 1911–1919 | 1915–1919 | 1941 |
| United States Senator | Bailey, Joseph W. (D-Tex.) | 1891–1901 | 1897–1901 | 1901–1913 |

|  |  |  |  |  |
|---|---|---|---|---|
| Do | Blackburn, Joseph C. S. (D-Ky.) | 1875–1885 | 1879–1885 | 1885–1897<br>1901–1907 |
| Do | Burrows, Julius (R-Mich.) | 1873–1875<br>1879–1883<br>1885–1895 | 1891–1895 | 1895–1911 |
| Do | Burton, Theodore E. (R-Ohio) | 1889–1891<br>1895–1909<br>1921–1928 | 1923–1928 | 1909–1915<br>1928–1929 |
| Do | Carlisle, John (D-Ky.) | 1877–1890 | 1883–1890 | 1890–1893 |
| Do | Conger, Omar D. (R-Mich.) | 1869–1881 | 1880–1881 | 1881–1887 |
| Do | Dale, Porter H. (R-Vt.) | 1915–1923 | 1919–1923 | 1923–1933 |
| Do | Dodd, Christopher J. (D-Conn.) | 1975–1980 | 1977–1980 | 1981– |
| Do | Fess, Simeon D. (R-Ohio) | 1913–1923 | 1918–1923 | 1923–1935 |
| Do | Frye, William P. (R-Me.) | 1871–1881 | 1879–1881 | 1881–1911 |
| Do | Hardwick, Thomas W. (D-Ga.) | 1903–1914 | 1911–1914 | 1914–1919 |
| Do | Harrison, Byron P. (D-Miss.) | 1911–1919 | 1915–1919 | 1919–1941 |
| Do | Hiscock, Frank (R-N.Y.) | 1877–1887 | 1885–1887 | 1887–1893 |
| Do | Lenroot, Irvine L. (R-Wis.) | 1909–1918 | 1911–1918 | 1918–1927 |
| Do | Matsunaga, Spark (D-Hawaii) | 1963–1977 | 1967–1976 | 1977– |
| Do | Mills, Roger Q. (D-Tex.) | 1873–1892 | 1887–1889<br>1890 | 1892–1899 |
| Do | Mitchell, Hugh B. (D-Wash.) | 1949–1953 | 1951–1952 | 1945–1946 |
| Do | Pepper, Claude D. (D-Fla.) | 1963– | 1965– | 1936–1951 |
| Do | Schall, Thomas D. (R-Minn.) | 1915–1925 | 1917–1925 | 1925–1935 |
| Do | Scott, Hugh D., Jr. (R-Pa.) | 1941–1945<br>1947–1959 | 1953–1954<br>1957–1958 | 1959–1977 |
| Do | Stanley, Augustus O. (D-Ky.) | 1903–1915 | 1911–1913 | 1919–1925 |
| Do | Underwood. Oscar W. (D-Ala.) | 1895–1896<br>1897–1915 | 1910–1911 | 1915–1927 |
| Do | Wadsworth, James W., Jr., (R-N.Y.) | 1933–1951 | 1947–1951 | 1915–1927 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*—Continued

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| Do | White, Wallace H., Jr. (R-Me.) | 1917–1931 | 1925–1927 | 1931–1949 |
| Do | Williams, John S. (D-Miss.) | 1893–1909 | 1903–1909 | 1911–1923 |
| SENATE FLOOR LEADERS AND WHIPS [1] | | | | |
| Majority Leader | White, Wallace H., Jr. (R-Me.) | 1917–1931 | 1925–1927 | 1947–1949 |
| Minority Leader | Blackburn, Joseph C.S. (D-Ky.) | 1875–1885 | 1879–1885 | 1906–1907 |
| Do | Scott, Hugh D., Jr. (R-Pa.) | 1941–1945<br>1947–1959 | 1953–1954<br>1957–1958 | 1969–1977 |
| Do | Underwood, Oscar W. (D-Ala.) | 1895–1896<br>1897–1915 | 1901–1903<br>1910–1911 | 1920–1923 |
| Do | White, Wallace H., Jr. (R-Me.) | 1917–1931 | 1925–1927 | 1945–1947 |
| Minority Whip | Fess, Simeon D. (R-Ohio) | 1913–1923 | 1918–1923 | 1929–1933 |
| Do | Scott, Hugh D. Jr. (R-Pa.) | 1941–1945<br>1947–1959 | 1953–1954<br>1957–1958 | 1969 |
| Do | Wadsworth, James W., Jr. (R-N.Y.) | 1933–1951 | 1947–1951 | 1915 |
| SPEAKERS OF THE U.S. HOUSE OF REPRESENTATIVES | | | | |
| Speaker of the U.S. House of Representatives | Bankhead, William B. (D-Ala.) | 1917–1940 | 1923–1934 | 1936–1940 |
| Do | Cannon, Joseph G. (R-Ill.) | 1873–1891<br>1893–1913<br>1915–1923 | 1887–1891 | 1903–1911 |

|  |  |  |  |  |
|---|---|---|---|---|
| Do | Carlisle, John G. (D-Ky.) | 1877–1890 | 1883–1890 | 1883–1889 |
| Do | Clark, James Beauchamp ("Champ") (D-Mo.) | 1893–1895<br>1897–1921 | 1909–1911 | 1911–1919 |
| Do | Crisp, Charles F. (D-Ga.) | 1883–1896 | 1891–1896 | 1891–1895 |
| Do | Henderson, David B. (R.-Iowa) | 1883–1903 | 1895–1903 | 1899–1903 |
| Do | Keifer, J. Warren (R-Ohio) | 1877–1885<br>1905–1911 | 1881–1885 | 1881–1883 |
| Do | Martin, Joseph W., Jr. (R-Mass.) | 1925–1967 | 1928–1938 | 1947–1949<br>1953–1955 |
| Do | O'Neill, Thomas P., Jr. (D-Mass.) | 1953– | 1955–1972 | 1977– |
| Do | Randall, Samuel J. (D-Pa.) | 1863–1890 | 1879–1890 | 1876–1881 |
| Do | Reed, Thomas B. (R-Me.) | 1877–1899 | 1882–1899 | 1889–1891<br>1895–1899 |

## HOUSE FLOOR LEADERS AND WHIPS [2]

|  |  |  |  |  |
|---|---|---|---|---|
| Majority Leader | Bankhead, William B. (D-Ala.) | 1917–1940 | 1923–1934 | 1936–1937 |
| Do | Halleck, Charles A. (R-Ind.) | 1935–1969 | 1940–1946 | 1947–1949<br>1953–1955 |
| Do | O'Neill, Thomas P., Jr. (D-Mass.) | 1953– | 1955–1972 | 1973–1977 |
| Do | Underwood, Oscar W. (D-Ala.) | 1895–1896<br>1897–1915 | 1901–1903<br>1910–1911 | 1911–1915 |
| Minority leader | Clark, James Beauchamp ("Champ") (D-Mo.) | 1893–1895<br>1897–1921 | 1909–1911 | 1908–1911<br>1910–1921 |
| Do | Garrett, Finis J. (D-Tenn.) | 1905–1929 | 1911–1929 | 1923–1929 |
| Do | Halleck, Charles A. (R-Ind.) | 1935–1969 | 1940–1946 | 1959–1965 |
| Do | Martin, Joseph W., Jr. (R-Mass.) | 1925–1967 | 1928–1938 | 1939–1947<br>1949–1953<br>1955–1959 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*—Continued

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| Do | Rhodes, John J. (R-Ariz.) | 1953– | 1981– | 1973–1980 |
| Do | Richardson, James D. (D-Tenn.) | 1885–1905 | 1899–1903 | 1899–1903 |
| Do | Snell, Bertrand H. (R-N.Y.) | 1915–1939 | 1917–1931 | 1931–1939 |
| Do | Williams, John S. (D-Miss.) | 1893–1909 | 1903–1909 | 1903–1908 |
| Majority Whip | Greenwood, Arthur H. (D-Ind.) | 1923–1939 | 1931–1938 | 1931–1933 |
| Do | O'Neill, Thomas P., Jr. (D-Mass.) | 1953– | 1955–1972 | 1971–1973 |
| Minority Whip | Underwood, Oscar W. (D-Ala.) | 1895–1896<br>1897–1915 | 1901–1903<br>1910–1911 | 1899–1901 |
| Do | Lott, Trent (R-Miss.) | 1973– | 1975– | 1981 |
| GOVERNORS AND LIEUTENANT GOVERNORS | | | | |
| Governor of the State of Georgia | Hardwick, Thomas W. (D-Ga.) | 1903–1914 | 1911–1914 | 1921–1923 |
| Do | Stephens, Alexander H. (D-Ga.) | 1843–1859<br>1873–1882 | 1879–1881 | 1882–1883 |
| Governor of the State of Kansas | Avery, William H. (R-Kans.) | 1955–1965 | 1961–1964 | 1965–1967 |
| Governor of the State of Kentucky | Stanley, Augustus O. (D-Ky.) | 1903–1915 | 1911–1913 | 1915–1919 |
| Governor of the State of Massachusetts | Herter, Christian A. (R-Mass.) | 1943–1953 | 1947–1951 | 1953–1957 |
| Governor of the State of New Mexico | Dempsey, John J. (D-N.M.) | 1935–1941<br>1951–1958 | 1939–1941 | 1943–1947 |
| Governor of the State of Ohio | McKinley, William, Jr. (R-Ohio) | 1877–1883<br>1883–1884<br>1885–1891 | 1889–1891 | 1892–1896 |
| Governor of the State of Tennessee | McMillin, Benton (D-Tenn.) | 1879–1899 | 1890–1903<br>1895–1899 | 1899–1903 |

|  |  |  |  |  |
|---|---|---|---|---|
| Lieutenant Governor of the State of Ohio | Brown, Clarence J. (R-Ohio) | 1939–1965 | 1943–1965 | 1919–1923 |
| Lieutenant Governor of the State of Kentucky | Carlisle, John G. (D-Ky.) | 1877–1890 | 1883–1890 | 1883–1889 |
| Lieutenant Governor of the State of Massachusetts | Frothingham, Louis A. (R-Mass.) | 1921–1928 | 1927–1928 | 1909–1911 |

## UNITED STATES DIPLOMATIC POSTS

|  |  |  |  |  |
|---|---|---|---|---|
| Commissioner to the Hawaiian Islands | Blount, James H. (D-Ga.) | 1873–1893 | 1890–1891 | 1893 |
| Envoy Extraordinary and Minister Plenipotentiary to Austria-Hungary. | Orth, Godlove S. (R-Ind.) | 1863–1871<br>1873–1875<br>1879–1882 | 1881–1882 | 1875–1876 |
| Envoy Extraordinary and Minister Plenipotentiary to Guatemala. | McMillin, Benton (D-Tenn.) | 1879–1899 | 1890–1893<br>1895–1899 | 1919–1922 |
| Envoy Extraordinary and Minister Plenipotentiary to Peru. | ......do | 1879–1899 | 1890–1893<br>1895–1899 | 1919–1922 |
| Envoy Extraordinary and Minister Plenipotentiary to Portugal. | Boutell, Henry S. (R-Ill.) | 1897–1911 | 1910–1911 | 1911 |
| Envoy Extraordinary and Minister Plenipotentiary to Switzerland. | ......do | 1897–1911 | 1910–1911 | 1911–1913 |
| Governor of the Canal Zone, Isthmus of Panama | Blackburn, Joseph C. S. (D-Ky.) | 1875–1885 | 1879–1885 | 1907–1909 |
| Commissioner to the Hawaiian Islands | Blount, James H. (D-Ga.) | 1873–1893 | 1890–1891 | 1893– |
| Envoy Extraordinary and Minister Plenipoteniary to Austria-Hungary. | Orth, Godlove S. (R-Ind.) | 1863–1871<br>1873–1875<br>1879–1882 | 1881–1882 | 1875–1876 |
| Envoy Extraordinary and Minister Plenipotentiary to Guatemala. | McMillin, Benton (D-Tenn.) | 1879–1899 | 1890–1893<br>1895–1899 | 1919–1922 |
| Envoy Extraordinary and Minister Plenipotentiary to Peru. | Do | 1879–1899 | 1890–1893<br>1895–1899 | 1919–1922 |

## FEDERAL BOARDS AND COMMISSIONS

|  |  |  |  |  |
|---|---|---|---|---|
| Member, Civil Aeronautics Board | Rizley, Ross (R-Okla.) | 1941–1949 | 1947–1948 | 1955–1956 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*—Continued

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| Chairman, Home Loan Bank Board | Fort, Franklin W. (R-N.J.) | 1925–1931 | 1928–1931 | 1932–1933 |
| Chairman, Civil Service Commission | Ellsworth, Matthew H. (R-Ore.) | 1943–1957 | 1955–1956 | 1957–1959 |
| Chairman, Inland Waterways Commission | Burton, Theodore E. (R-Ohio) | 1889–1891<br>1895–1909<br>1921–1928 | 1923–1928 | 1907–1908 |
| Member, International Joint Commission (Chairman). | Stanley, Augustus O. (D-Ky.) | 1903–1915 | 1911–1913 | 1930–1933<br>1933–1954 |
| Member, Interstate Commerce Commission | Morrison, William R. (D-Ill.) | 1863–1865<br>1873–1887 | 1885–1887 | 1887–1897 |
| Vice Chairman, National Monetary Commission | Burrows, Julius (R-Mich.) | 1873–1875<br>1879–1883<br>1885–1895 | 1891–1895 | 1908–1912 |
| Member, National Monetary Commission | Burton, Theodore E. (R-Ohio) | 1889–1891<br>1895–1909<br>1921–1928 | 1923–1928 | 1908–1912 |
| Chairman, National Security Training Commission | Wadsworth, James W., Jr. (R-N.Y.) | 1933–1951 | 1947–1951 | 1951–1952 |
| Member, National Waterways Commission | Burton, Theodore E. (R-Ohio) | 1889–1891<br>1895–1909<br>1921–1928 | 1923–1928 | 1908–1912 |
| Member, Securities and Exchange Commission (Chairman). | Budge, Hamer H. (R-Idaho) | 1951–1961 | 1959–1960 | 1964–1969<br>1969–1971 |
| Member, U.S. Maritime Commission | Dempsey, John J. (D-N.M.) | 1935–1941<br>1951–1958 | 1939–1941 | 1943–1947 |

| | | | | |
|---|---|---|---|---|
| Member, U.S. Tariff Commission | Dixon, Lincoln (D-Ind.) | 1905–1919 | 1910–1911 | 1927–1930<br>1931–1932 |

## STATE JUDGES, COURT COMMISSIONERS. ATTORNEYS GENERAL, AND SECRETARIES OF STATE

| | | | | |
|---|---|---|---|---|
| Judge of the Second Judicial Circuit of Arkansas | Driver, William, J. (D-Ark.) | 1921–1939 | 1933–1939 | 1911–1918 |
| Judge of the Fourth Judicial Circuit of Arkansas | Trimble, James W. (D-Ark.) | 1945–1967 | 1955–1966 | 1938–1944 |
| Judge of the Third Judicial District of Idaho | Budge, Hamer H. (R-Idaho) | 1951–1961 | 1959–1960 | 1961–1964 |
| Judge of the Thirty-first Judicial District of Kansas | Madison. Edmond H. (R-Kans.) | 1907–1911 | 1911 | 1900–1906 |
| Judge of the Twenty-second Judicial Circuit of Missouri. | DeArmond, David A. (D-Mo.) | 1891–1909 | 1903–1909 | 1886–1890 |
| Judge of the New Jersey Court Errors and Appeals | McLean, Donald H. (R-N.J.) | 1933–1945 | 1937–1938 | 1946–1948 |
| Judge of the New Jersey Superior Court | ......do | 1933–1945 | 1937–1938 | 1946–1948 |
| Judge of the Eleventh Judicial District of South Dakota. | Williamson, William (R-S.D.) | 1921–1933 | 1925 | 1911–1921 |
| Justice, New York State Supreme Court | Latham, Henry J. (R-N.Y.) | 1945–1958 | 1951–1958 | 1958–1978 |
| Justice, Appellate Division of the N.Y. State Supreme Court, Second Judicial Dept. (concurrent service). | ......do | 1945–1958 | 1951–1958 | 1970–1978 |
| Commissioner, Missouri Supreme Court | DeArmond David A. (D-Mo.) | 1891–1909 | 1903–1909 | 1884 |
| Attorney General of the State of Maine | Frye, William P. (R-Me.) | 1871–1881 | 1879–1881 | 1867–1869 |
| Attorney General of the State of Maine | Reed, Thomas B. (R-Me.) | 1877–1899 | 1882–1899 | 1870–1872 |
| Attorney General of the State of Mississippi | Catchings, Thomas C. (D-Miss.) | 1885–1901 | 1891–1895 | 1877–1885 |
| Attorney General of the State of New Jersey | Robeson, George M. (R-N.J.) | 1879–1883 | 1881–1883 | 1867–1869 |
| Assistant Attorney General of the State of Texas | Henry, Robert Lee (D-Tex.) | 1897–1917 | 1911–1917 | 1893–1896 |
| Secretary of State of the State of Ohio | Brown, Clarence J. (R-Ohio) | 1939–1965 | 1943–1965 | 1927–1933 |

TABLE 5.—*Listing of Selected Elective and Appointive Positions in Federal and State Government Which Have Been Held by Members of the House Rules Committee, 1880–1981*—Continued

| *Other position* | *Member* | *House service* | *Committee service* | *Dates served in other position* |
|---|---|---|---|---|
| | PARTY OFFICES | | | |
| Chairman, House Democratic Caucus | Long, Gillis W. (D-La.) | 1963–1965<br>1973– | 1973– | 1981– |
| Chairman, House Republican Conference | Anderson, John B. (R-Ill.) | 1961–1980 | 1964–1980 | 1969–1979 |
| Chairman, Republican National Committee | Fess, Simeon D. (R-Ohio) | 1913–1923 | 1918–1923 | 1930–1932 |
| Do | Martin, Joseph W., Jr. (R-Mass.) | 1925–1967 | 1928–1938 | 1955–1959 |
| Do | Scott, Hugh D., Jr. (R-Pa.) | 1941–1945<br>1947–1959 | 1953–1954<br>1957–1958 | 1948–1949 |
| | MISCELLANEOUS FEDERAL OFFICES | | | |
| Assistant Director of the Office for Economic Opportunity. | Long, Gillis (D-La.) | 1963–1965<br>1973– | 1973– | 1965–1966 |
| President's Special Representative for Trade Negotiations. | Herter, Christian A. (R-Mass.) | 1943–1953 | 1947–1951 | 1963–1966 |
| Sergeant at Arms of the U.S. Senate | Harness, Forest A. (R-Ind.) | 1939–1949 | 1947–1949 | 1953–1955 |
| U.S. District Attorney for Southern Ohio | Harlan, Byron B. (D-Ohio) | 1931–1939 | 1935–1938 | 1944–1946 |
| Commissioner for the U.S. Court of Claims | Ramseyer, C. William (R-Iowa) | 1915–1933 | 1925–1929 | 1933–1943 |

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[1] Emergence of recognizable floor leaders in the United States Senate did not occur until the 62nd Congress (1911–1913). Prior to that time, leadership in the Senate was usually vested in powerful individuals or small factions of Senators.

[2] The first Congress during which official designation of a House Majority and Minority Leader occurred was the 56th Congress (1899–1909).

## Departures From the Committee on Rules

Table 6 presents information on what caused members to leave the Rules Committee. It divides the reasons for their departure into six categories: (1) elected or appointed to another office; (2) unsuccessful candidacies for another office; (3) died as a member of the Committee; (4) voluntary retirement from the House; (5) defeated in bid for renomination or reelection; and (6) remained in the House but not as a member of the Committee. In addition, some of these categories are subdivided.

Several significant conclusions can be drawn. First, although it has generally been accepted that Members with safe seats are appointed to the Committee on Rules, of the 161 individuals who completed their service on the Rules Committee since 1880, more than a quarter (43 members) had their service terminated by defeat for renomination or reelection. The rate of reelection success in the 1962–1981 period, however, is extremely high, over 94% in the ten elections, even when compared with the high rate of reelection of incumbents to the House in general during the period. Moreover, half of the eight Rules members who were defeated between 1962 and 1981 lost in primary elections.

Second, while the Rules Committee is generally thought of as a position attractive to House careerists, 37 members left the Committee to pursue an office outside the House, one more than the number that left the Committee through death and retirement from office combined. Moreover, Rules members have been remarkably successful in pursuit of other offices. Only nine who relinquished their House seat to contest for another office were defeated (Table 6B). By comparison 15 were victorious including a Presidential candidacy, a Vice Presidential candidacy, 10 Senate candidates (by direct election since 1912), and three Governors. Perhaps the reason one thinks of the Rules Committee as being dominated by House careerists is that those who have left to seek other offices have relatively short terms of service on the Committee. They averaged less than 5 years on the Committee and only three, Finis Garrett, Spark Matsunaga, and John Anderson were members for 10 or more years. By comparison those who either retired from office or died while members of the Rules Committee, average nearly 10 years on the Committee.

Third, of the 8 members who clearly left the Rules Committee to take another committee assignment (Table 6F.4.) all but one chose to move to either Ways and Means or Appropriations. The exception, Christian Herter, transferred to the Foreign Affairs Committee. This unusual move was due to Herter's policy interests. He was subsequently to serve as Secretary of State. Significantly, Herter is the last person, with the exception of those who were bumped or accepted a party leadership position to leave the Rules Committee yet retain membership in the House. This extremely low voluntary transfer rate attests to the desirability and importance of appointment to the Rules Committee compared with other committees.

Finally, certain conclusions about assignment to the Rules Committee can be inferred from the table. It appears, for example, that in the mid 1920's Republican Members were prohibited from chairing another standing committee while simultaneously retaining membership on the Rules Committee. Prior to 1925 this had been permitted. Thus, Royal Johnson, Frank Scott, Wallace White, and later Earl Michener gave up seats on the Rules Committee to accept or continue their chairmanship of other committees. When the Democrats became the majority party in 1931 none of their Rules Members either chaired or served as members of other House standing committees. When the Democrats had last controlled the House in the 65th Congress, no such restriction existed and Democratic Rules members both chaired and served on other standing committees. While in the minority some Rules Democrats continued to serve on other standing committees until the 69th Congress (1925–1927). Since that time, with some exceptions, membership on the Rules Committee has been an exclusive assignment for House Democrats—that is they have generally not served on other House standing committees. Rules Republicans frequently have maintained membership on a second standing committee. Rules members, however, have served frequently on joint, select, special, and ad hoc committees.

TABLE 6.—*Subsequent Position and/or Reason for Leaving the House Committee On Rules 1880–1981* [1]

A. ELECTED OR APPOINTED TO ANOTHER OFFICE

| *Office and Member* | *Year* |
|---|---|
| President of the United States: | |
| James A. Garfield (R-Ohio) | 1880 |
| Vice President of the United States: | |
| James S. Sherman (R-N.Y.) | 1908 |
| U.S. Senate: | |
| Omar D. Conger (R-Mich.) | 1881 |
| William P. Frye (R-Maine.) | 1881 |
| Joseph C. S. Blackburn (D-Ky.) | 1885 |
| Frank Hiscock (R-N.Y.) | 1887 |
| John Carlisle (D-Ky.) | 1890 |
| Julius C. Burrows (R-Mich.) | 1895 |
| Joseph W. Bailey (D-Tex.) | 1901 |
| John S. Williams (D-Miss.) | 1910 |
| Thomas W. Hardwick (D-Ga.) | 1914 |
| Irvine L. Lenroot (R-Wis.) | 1918 |
| Byron P. Harrison (D-Miss.) | 1918 |
| Simeon D. Fess (R-Ohio) | 1922 |
| Porter H. Dale (R-Vt.) | 1923 |
| Thomas D. Schall (R-Minn.)[2] | 1924 |
| Theodore E. Burton (R-Ohio) | 1928 |
| Hugh D. Scott, Jr.* (R-Pa.) | 1958 |
| Spark M. Matsunaga (D-Hawaii) | 1976 |
| Christopher J. Dodd (D-Conn.) | 1980 |
| Governors: | |
| Alexander Stephens (D-Ga.) | 1882 |
| Benton McMillin (D-Tenn.) | 1898 |
| William H. Avery (R-Kans.) | 1964 |

NOTE.—Members with multiple periods of service on the Committee and designated in Table 6 with an asterisk.

[1] A number of members of the Committee on Rules had interrupted service on the Committee. It may have resulted from an election defeat, bumping because of a change in majority party, or for other reasons. These members obviously left the Committee more than once. Table 6 records each departure as a separate item. Thus, for example, Joseph Cannon (R-Ill.) served on the Rules Committee in the 48th Congress but was defeated for reelection in 1890. He was again appointed to the Committee to fill a vacancy during the 53rd Congress but left in the 54th to chair the Appropriations Committee. He returned to Rules, as Speaker of the House, in the 58th Congress and remained until March 19, 1910 when a resolution was adopted prohibiting the Speaker's membership on the Committee.

[2] Thomas D. Schall served on the Committee from the 65th–68th Congress (1919–1925). In the first of these, although elected as a Republican, he organized with the Democrats. In the other three he organized with the Republicans. He was elected to the Senate as a Republican.

| *Office and Member* | *Year* |
|---|---|
| Federal or State Judgeship: | |
| Walter I. Smith (R-Iowa) | 1911 |
| Thomas S. Williams (R-Ill.) | 1929 |
| Henry J. Latham (R-N.Y.) | 1958 |
| W. Homer Thornberry (D-Tex.) | 1963 |
| Cabinet Level Position: | |
| Andrew J. Young (D-Ga.) | 1977 |

### B. UNSUCCESSFUL CANDIDATE FOR ANOTHER OFFICE

| *Member and officer sought* | *Year* |
|---|---|
| Burnett M. Chiperfield (R.-Ill.): | |
| U.S. Senate—Failed to gain party nomination | 1916 |
| Robert L. Henry (D-Tex.): | |
| U.S. Senate—Failed to gain party nomination | 1916 |
| Finis J. Garrett (D-Tex.): | |
| U.S. Senate—Failed to gain party nomination | 1928 |
| Franklin W. Fort (R-N.J.): | |
| U.S. Senate—Failed to gain party nomination | 1930 |
| John J. Dempsey (D-N. Mex.): | |
| U.S. Senate—Failed to gain party nomination | 1940 |
| Ross Rizley (R-Okla.): | |
| U.S. Senate—Defeated in general election | 1948 |
| Hugh B. Mitchell (D-Wash.): | |
| Governor—Defeated in general election | 1952 |
| Clem Rogers McSpadden (D-Okla.): | |
| Governor—Failed to gain party nomination | 1974 |
| John B. Anderson (R-Ill.): | |
| President of the United States—Failed to gain party nomination—Unsuccessful as independent candidate in general election | 1980 |

### C. DIED AS MEMBER OF RULES COMMITTEE

| *Member* | *Year* [3] |
|---|---|
| Samuel J. Randall (D-Pa.) | 1890 |
| Charles F. Crisp (D-Ga.) | 1896 |
| Edmond H. Madison (R-Kans.) | 1911 |
| Edwin A. Merritt (R-N.Y.) | 1914 |
| James C. Cantrill (D-Ky.) | 1923 |
| Daniel J. Riordan (D-N.Y.) | 1923 |
| Louis A. Frothingham (R-Mass.) | 1928 |
| Daniel E. Garrett (D-Tex.) | 1932 |
| Edward W. Pou (D-N.C.) | 1934 |
| J. Willis Taylor (R-Tenn.) | 1939 |
| Carl E. Mapes (R-Mich.) | 1939 |
| Lawrence Lewis (D-Colo.) | 1943 |
| Adolph J. Sabath (D-Ill.) | 1952 |
| Edward E. Cox (D-Ga.) | 1952 |
| B. Carroll Reece* (R-Tenn.) | 1961 |
| Clarence J. Brown (R-Ohio) | 1965 |

### D. RETIRED FROM HOUSE VOLUNTARILY AND DID NOT SEEK OTHER OFFICE AT TIME OF RETIREMENT

| *Member* | *Year* |
|---|---|
| Thomas B. Reed (R-Maine) | 1899 |
| David B. Henderson (R-Iowa) | 1903 |
| Matthew R. Denver (D-Ohio) | 1913 |
| William A. Rodenberg (R-Ill.) | 1923 |
| Allen F. Moore (R-Ill.) | 1925 |
| John Conover (Jack) Nichols (D-Okla.) | 1943 |
| Martin Dies, Jr. (D-Tex.) [4] | 1945 |

[3] This refers to the year in which House service ended. In two cases members resigned from the Rules Committee prior to the full completion of their last term thus allowing a new member to be appointed. Elmer Hoffman and Del Clawson actually resigned from the committee in 1964 and 1978 respectively and other members were appointed to the vacancies before the end of those Congresses.

[4] Martin Dies retired until 1952 when he sought and won reelection to the House. However, he was not reassigned to the Rules Committee.

| *Member* | *Year* |
|---|---|
| J. Bayard Clark (D-N.C.) | 1949 |
| James W. Wadsworth, Jr. (R-N.Y.) | 1951 |
| John Lyle, Jr. (D-Tex.) | 1955 |
| Leo E. Allen (R-Ill.) | 1961 |
| Elmer J. Hoffman (R-Ill.) | 1965 |
| William M. Colmer* (D-Miss.) | 1973 |
| H. Allen Smith (R-Calif.) | 1973 |
| David T. Martin (R-Nebr.) | 1975 |
| Delwin (Del) Clawson (R-Calif.) | 1979 |
| James J. Delaney* (D-N.Y.) | 1979 |
| B. F. Sisk (D-Calif.) | 1979 |
| Lloyd Meeds (D-Wash.) | 1979 |
| Morgan F. Murphy (D-Ill.) | 1981 |

## E. DEFEATED

### *1. For Renomination*

| | |
|---|---|
| J. Warren Keifer (R-Ohio) | 1884 |
| Charles H. Grosvenor (R-Ohio) | 1906 |
| Henry S. Boutell (R-Ill.) | 1910 |
| John Dalzell (R-Pa.) | 1912 |
| Phillip P. Campbell (R-Kans.) | 1922 |
| John J. O'Connor (D-N.Y.)[5] | 1938 |
| William J. Driver (D-Ark.) | 1938 |
| Roger C. Slaughter (D-Mo.) | 1946 |
| Carl A. Elliott (D-Ala.) | 1964 |
| Howard W. Smith (D-Va.) | 1966 |
| Ray J. Madden (D-Ind.) | 1976 |
| John A. Young (D-Tex.) | 1978 |

### *2. For Reelection*

| | |
|---|---|
| George M. Robeson (R-N.J.) | 1882 |
| William Ralls Morrison (R-Ill.) | 1886 |
| William McKinley, Jr. (R-Ohio) | 1890 |
| Joseph G. Cannon* (R-Ill.) | 1890 |
| Joseph H. Outhwaite (D-Ohio) | 1894 |
| Jacob S. Fassett (R-N.Y.) | 1910 |
| William W. Wilson (R-Ill.) | 1912 |
| Henry M. Goldfogle (D-N.Y.) | 1914 |
| Melville C. Kelly* (R-Pa.) | 1914 |
| William S. Bennet (R-N.Y.) | 1916 |
| Thomas G. Patten (D-N.Y.) | 1916 |
| Martin D. Foster (D-Ill.) | 1918 |
| Aaron S. Kreider (R-Pa.) | 1922 |
| Elliott W. Sproul (R-Ill.) | 1930 |
| Fred S. Purnell (R-Ind.) | 1932 |
| Earl C. Michener* (R-Mich.) | 1932 |
| Frederick R. Lehlbach (R-N.J.) | 1936 |
| Henry C. Ransley (R-Pa.) | 1936 |
| Arthur H. Greenwood (D-Ind.) | 1938 |
| Byron B. Harlan (D-Ohio) | 1938 |
| William L. Nelson (D-Mo.) | 1942 |
| Hamilton Fish, Jr. (R-N.Y.) | 1944 |
| Forest A. Harness (R-Ind.) | 1948 |
| J. Edgar Chenoweth* (R-Colo.) | 1948 |
| John McSweeney (D-Ohio) | 1950 |
| Matthew H. Ellsworth (R-Oreg.) | 1956 |
| Hamer H. Budge (R-Idaho) | 1960 |
| Katherine St. George (R-N.Y.) | 1964 |
| James W. Trimble (D-Ark.) | 1966 |
| William R. Anderson (D-Tenn.) | 1972 |
| Robert E. Bauman (R-Md.) | 1980 |

[5] John O'Connor, following his defeat in the 1938 Democratic primary, became the Republican candidate for the seat. He was subsequently defeated in the general election. Technically he qualifies in both categories—defeated for renomination and defeated for reelection. But his seat on the Rules Committee as a Democrat was probably lost when he failed to win renomination. Thus he is only listed in this group.

## F. REMAINED IN HOUSE BUT NOT AS A MEMBER OF THE COMMITTEE ON RULES

### *1. Bumped due to Change in Party Control*

| *Member* | *Year* |
|---|---|
| Roger Q. Mills* (D-Tex.) | 1884 |
| Lloyd Thurston (R-Iowa) | 1931 |
| John J. Delaney* (D-N.Y.) | 1947 |
| William M. Colmer* (D-Miss.) | 1947 |
| Joseph Bengal Bates (D-Ky.) | 1947 |
| Robert F. Rich (R-Pa.) | 1949 |
| James J. Delaney* (D-N.Y.) | 1953 |
| Hugh D. Scott, Jr.* (R-Pa.) | 1955 |
| Donald W. Nicholson (R-Mass.) | 1955 |
| J. Edgar Chenoweth* (R-Colo.) | 1955 |
| B. Carroll Reece* (R-Tenn.) | 1955 |

### *2. Became Member of Party Leadership or Chairman of Major Committee*

| *Member and position* | *Year* |
|---|---|
| James H. Blount (D-Ga.):<br>Chairman, Foreign Affairs Committee | 1891 |
| Joseph G. Cannon* (R-Ill.):<br>Chairman, Appropriations Committee | 1895 |
| Joseph G. Cannon* (R-Ill.):<br>Speaker (made ineligible) | 1910 |
| Oscar W. Underwood* (D-Ala.):<br>Majority Leadership and Chairman, Ways and Means Committee | 1911 |
| James Beauchamp ("Champ") Clark (D-Mo.):<br>Speaker | 1911 |
| John J. Fitzgerald (D-N.Y.):<br>Chairman, Appropriations Committee | 1911 |
| Bertrand H. Snell (R-N.Y.):<br>Minority Leader | 1931 |
| William B. Bankhead (D-Ala.):<br>Majority Leader | 1935 |
| Joseph W. Martin, Jr. (R-Mass.):<br>Minority Leader | 1939 |
| Earl C. Michener* (R-Mich.):<br>Chairman, Judiciary Committee | 1947 |
| Charles A. Halleck (R-Ind.):<br>Majority Leader | 1947 |
| Thomas P. ("Tip") O'Neill, Jr. (D-Mass.):<br>Majority Leader | 1973 |

### *3. Remained but Became Chairman of Non-Major Committee*

| | |
|---|---|
| Royal C. Johnson (R-S. Dak.):<br>Chairman, World War Veterans Legislation Committee | 1925 |
| Frank D. Scott (R-Mich.):<br>Chairman, Merchant Marine and Fisheries Committee | 1925 |
| Wallace H. White, Jr. (R-Maine):<br>Chairman, Merchant Marine and Fisheries Committee | 1927 |

### *4. Departed Committee on Rules For Another Committee Assignment*

| *Member and new assignment* | *Year* |
|---|---|
| Lincoln Dixon (D-Ind.):<br>Ways and Means Committee | 1911 |
| Augustus O. Stanley (D-Ky.):<br>Ways and Means Committee | 1913 |
| William R. Wood (R-Ind.):<br>Appropriations Committee | 1917 |
| Harris J. Bixler (R-Pa.):<br>Ways and Means Committee | 1925 |
| C. William Ramseyer (R-Iowa.):[6]<br>Ways and Means Committee | 1927 |

[6] C. William Ramseyers's departure from the Rules Committee is difficult to categorize. On May 29, 1928, the last day of the 70th Congress, 1st Session, Ramseyer was chosen to fill a vacancy on the Ways and Means Committee. He did not, however, immediately resign from his position on the Rules Committee. It was not until January 24, 1929, over a month after the start of the 2nd Session that Ramseyer resigned. Since no one was subsequently assigned to fill the Rules vacancy created by Ramseyer's departure, it appears that his resignation indicates that he was not allowed to maintain membership on both committees and chose to leave Rules for Ways and Means.

| *Member and new assignment* | *Year* |
|---|---|
| Thomas S. McMillan (D-S.C.): | |
| Appropriations Committee | 1933 |
| Donald H. McLean (R-N.J.): | |
| Ways and Means Committee | 1939 |
| Christian A. Herter (R-Mass.): | |
| Foreign Affairs Committee | 1951 |

5. *Resigned from Committee on Rules but Apparently Not for Another Committee Assignment*

| *Member* | *Year* |
|---|---|
| Goodlove S. Orth (R-Ind.) | 1882 |
| Roger Q. Mills* (D-Tex.) | 1890 |
| Michael F. Conry (D-N.Y.) | 1913 |
| William Williamson (R-S. Dak.) | 1925 |

6. *Not Reappointed* [7]

| | |
|---|---|
| Benton McMillin* (D-Tenn.) | 1893 |
| Thomas C. Catchings (D-Miss.) | 1895 |
| James D. Richardson (D-Tenn.) | 1903 |
| Oscar W. Underwood* (D-Ala.) | 1903 |
| David A. De Armond (D-Mo.) | 1909 |
| George P. Lawrence (R-Mass.) | 1911 |
| Sylvester C. Smith (R-Calif.) | 1911 |
| Melville C. Kelly (R-Pa.) [8] | 1919 |
| John M. Nelson (R-Wis.) | 1925 |

| Summary of Table 6: | *Number* |
|---|---|
| Elected or Appointed to Another Office | 28 |
| Unsuccessful Candidate for Another Office | 9 |
| Died While a Member of the Committee on Rules | 16 |
| Retired and Did Not Seek Other Office | 20 |
| Defeated for Renomination or Reelection | 43 |
| Remained in House but Not on Committee on Rules | 47 |

[7] It is often difficult to determine whether some of these members who were not reappointed more properly deserve to be grouped with those who relinquished their Rules Committee assignment for some other committee assignment. But in each case the evidence supports the conclusion that the member was not reappointed. Oscar Underwood, for example, did retain a seat on the Appropriations Committee. But it seems clear that with the selection of John S. Williams as the new minority leader both Underwood and the previous minority leader, James D. Richardson were replaced on the Rules Committee. Other cases are less ambiguous. John M. Nelson was stripped from the Committee because of his leadership of the La Follette presidential campaign in 1924.

[8] Melville C. Kelly is listed here as a Republican although in the 65th Congress he was elected as a Democrat and received his appointment to the Rules Committee as a Democrat. In the 63rd Congress Kelly had served on the Rules Committee as a Republican and upon reelection to the 66th Congress he again organized with the Republicans. Unlike Thomas Schall, Kelly was not then made a Republican member of the Rules Committee. It could be argued that Kelly was "bumped" because the Democrats lost control of the House at the start of the 66th Congress but, it seems more reasonable, given what happened with Schall, to conclude instead that he was not reappointed.

# APPENDIX B

## Bibliography

The foregoing chapters have demonstrated that the history of the Committee on Rules is inseparable from the history of the House of Representatives as a whole. For this reason, the following selected bibliography is divided into three parts. Part I contains works that are devoted primarily or exclusively to the Rules Committee; part II includes some of the major studies on the history and development of the House as a legislative institution and part III includes other sources utilized in the preparation of the History of the Committee on Rules.

### PART I: THE COMMITTEE ON RULES

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